10 1958

Civil Rights Battle Sure In Congress

South May Lack Sufficient Help To Defeat Anti-Filibuster Move

WASHINGTON (AP) — New civil rights legislation was not in the 12-point program proposed by the Democrats' Senate leader—Sen. Lyndon Johnson of Texas—for the new Congress starting in January.

But it seems certain some kind of civil rights legislation will be offered, particularly since the Northern and Western advocates of civil rights among the Democrats have been strengthened by this month's elections.

A preliminary effort may come in January, in a move to make it easier to smash the filibuster. That is the weapon used repeatedly by Southern Democrats to block civil rights bills.

Leading in this fight will be senators of both parties — Douglas (D-Ill), Humphrey (D-Minn), Javits (R-NY) and Case (R-NJ). Any fight they make will have tough going. Southerners have already promised that.

To make it easier to cut off a filibuster requires a change in the Senate rules.

The last time the effort was made to do this — in 1957—Southerners were able to block it with the help of six Northern Democrats and 28 Republicans. In short, the Republicans were the main support of the Southerners.

But in the Senate just ended the Republicans had 47 seats to the Democrats' 49. The recent elections cut the Republican seats to 34 and boosted the Democrats' to 62.

Thus, while the total of Southern Democratic seats remains unchanged, the number of Republicans who might have lined up with them in 1959 has been drastically reduced and their seats taken by Northern and Western Democrats.

The result: the power of the South to fight a change in the filibuster rule has been greatly weakened.

Even if the filibuster rule isn't changed, that doesn't necessarily mean there won't be new civil rights legislation.

A major civil rights bill was passed in 1957, despite the defeat that year of efforts to limit the filibuster.

The legislation went through under the leadership of Johnson who —by what seemed a legislative miracle — was able to get it done without any major filibuster attempt by the South.

PLEASED NONE

It was not the kind of bill which satisfied all the advocates of civil rights by any means. But getting it through, without a southern filibuster, was evidence Southerners knew some such legislation was inevitable.

It was also a foot in the door, opening the way for more legislation of the same kind later.

Both parties — highly sensitive to the importance of the vote of minority groups in the North — will hardly dare face the voters in 1960 without some record of civil rights legislation in these next two years.

The leadership in both parties may think it politically wiser to postpone such legislation until 1960. The voters, going to the polls in November of that year, then would have a fresher memory of what had been done.

But recent bombings in the South — against Jews and Negroes — give added ammunition to advocates of more power for the federal government to move against violations of civil rights.

Louisiana group defies J. C. law

NEW ORLEANS (AP) — A test of a state law designed to hamstring the right of association stemming from the controversy over the question of desegregation, has been mounted by the Louisiana Civil Liberties Union.

The affiliate of the American Civil Liberties Union has notified Gov. Earl Long that it considers the law unconstitutional, adding that it will not comply with it.

Passed by the 1958 Legislature, the law bars all state and local organizations from affiliating with out-of-state groups whose officers or members belong to Communists, Communist - front or subversive organizations.

The Louisiana groups are also required to file annual affidavits to this effect.

Nixon Pledges Strong Civil Rights Drive

Seizes Initiative From Go-Slow Ike As Boosts Keating

NEW YORK (AP) — Vice President Nixon pledged the Eisenhower administration today to support new efforts to broaden the strife-marked field of civil rights.

Nixon, here to campaign for the New York GOP ticket, called for the election of Rep. Kenneth Keating to the Senate. He depicted this as a step toward destroying control of Congress' machinery by anti-civil rights Democrats.

Striking out on his own in a field where President Eisenhower has proceeded cautiously, Nixon gave this outline of the "positive aims" of the national GOP administration:

"To open the full doors of opportunity to all and to assure good schooling, job opportunities and rising standards of living for all our citizens. We do not recognize first-class citizenship and second-class citizenship.

"We do not want rights and privileges for some and only burdens and discrimination for others."

DICK TAKING OVER

Nixon gave no indication that he had consulted Eisenhower before issuing the statement. But his action was interpreted as another sign he is taking over political leadership in last-round efforts to turn the tide that seems rolling toward increased Democratic strength in Congress.

The vice president challenged Adlai E. Stevenson, twice the Democratic presidential nominee, to bring Governors Orval E. Faubus of Arkansas, Marvin Griffin of Georgia and J. Lindsay Almond Jr. of Virginia into line to support the Supreme Court's decisiin for school integration.

The vice president said that while Northern Democrats only talk — and Southern party members dissent — the Republican administration acts on civil rights.

"As a matter of fact," he said, "we have done more in six years of this administration than they have talked of doing in the 20 years that preceded it."

2 Fights Loom in Senate

'Gag' Rule Battle Holds Key to Fate of Civil Rights Issues

WASHINGTON, Nov. 11 (UPI) — Leaders of a bipartisan drive to curb Senate talkathons are priming for a prompt follow-up fight to pass new civil rights legislation if they win their anti-filibuster battle.

A number of civil rights bills are being prepared for introduction when the new Congress convenes Jan. 7. But their fate in the Senate will depend to a great extent on the outcome of efforts to make it more difficult to talk measures to death.

There are strong prospects the present Senate "gag" rule will be tightened as a result of a showdown set for the opening days of the new Congress.

Terms May Be Key

The actual terms of this change may provide the key to whether the campaign for new civil rights legislation will succeed or whether Southern senators will be able to talk such proposals to death.

Civil rights legislation considered to have the best chance for Senate consideration includes:

A measure aimed at putting the federal government's power behind local authorities confronted with bombings and dynamitings which reflect racial or religious hatred.

A bill to allow the U.S. attorney general to bring suits and seek injunctions when he feels civil rights are being denied to any citizen. This would be a throwback to "Title III" of the 1957 civil rights law—a provision dropped during debate on that measure.

Proponents of the Title III proposal believe its adoption would have strengthened the federal government's hand in dealing with school integration controversies at Little Rock, Ark., and elsewhere.

School Bombed

Impetus for an anti-bombing law has come from incidents like yesterday's bombing of a school at Osage, W.Va., where white and Negro children have been integrated without difficulty for five years.

New York's Republican Sen. Jacob K. Javits and Sen.-elect Kenneth B. Keating have just completed a survey trip to the South to collect material for an anti-bombing bill.

The anti-filibuster fight is expected to turn on two proposals:

A measure sponsored by Senate Democratic Leader Lyndon B. Johnson and others, which would allow limitation of debate by a vote of two-thirds of senators present and voting.

An alternative which would make it possible, after a debate had gone on for some time, to end the talking by a majority vote of the full Senate.

Determined Texan Plans To Bare Plight At Hearing Of Federal Civil Rights Unit

By NEAL BROGDON

A lone Texan with a stubborn look in his eye has arrived here to tell his story to federal rights probers due this week.

Robert Brooks Smith came here on a long trek looking for what he calls "federal justice." He was in Augusta, Ga., during the Thanksgiving holidays when he attempted to see President Eisenhower but he said he talked instead with James Hagerty, the presidential press secretary.

Smith, 34, told The Advertiser he feels that his civil rights have been violated. He claims he was denied a jury trial and subjected to "unreasonable search and seizure" in Dallas.

"I feel that I don't stand much of a chance of appearing before the Federal Civil Rights Commission since I am neither a Negro nor a Communist," he said. "However, I plan to try next week."

Smith's trouble apparently began with divorce proceedings against his wife in 1955. Before the divorce was granted he went to the FBI and said law officers in Dallas had searched his home illegally, in connection with the divorce proceedings, according to the short, stocky Texan.

The FBI took no action, Smith said. Next, in attempting to get a jury trial, he said he talked to the Texas attorney general's office with no results.

Smith said he finally agreed to a trial by judge and accepted the divorce decree. Since the proceedings had begun, however, he said he had lost so much time from work that he was fired from his job as a machinist in a local aircraft factory.

After that, he said, he was jailed several times for non-support of his family.

Since 1955 Smith says he has carried his complaint of civil rights violations to two federal judges in Dallas. He said they referred him back to the state courts but he had no money to press his case.

Finally he decided to go to Augusta in an attempt to see the President. In a talk with Hagerty, the press secretary told him he could pass his complaint on to U.S. Attorney General Rogers, according to Smith.

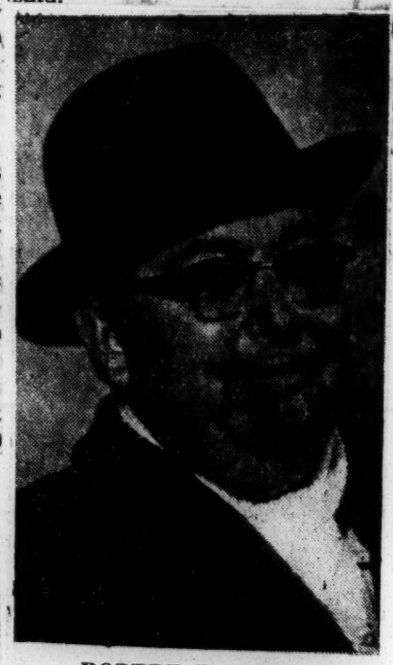
When he arrived in Montgomery Wednesday Smith attempted to see Alabama's attorney general, Gov.-elect John Patterson. Since Patterson was not in his office, Smith said he talked with Joe Robertson, administrative assistant to Patterson, requesting that he (Smith) be produced as a witness when the civil rights hearings begin next week.

Asked what he hopes to get from the Civil Rights Commission, Smith replied "federal justice."

"There is a Texan (Robert F. Storey) on the commission, which makes me fell better," he said.

What if Smith doesn't "get federal justice?"

"I'm going to Washington," he said.



ROBERT B. SMITH
Here For Hearing

Lehman Feels South To Yield On Civil Rights

NEW YORK (AP) — Former Sen. Herbert Lehman said Tuesday he believes Southern leaders "see the handwriting on the wall" about civil rights.

"I predict that much sooner than most people realize we are going to have general recognition of the necessity and of the political and moral propriety of doing justice to all our citizens without regard to race or color or creed," Lehman said.

The former Democratic leader spoke at the 59th annual meeting of the New York State Welfare Conference.

Civil Rights was big story of the year

By LOUIS LAUTIER

WASHINGTON, D.C. (NNPA) — Civil rights was the one big story of 1958, reaching a climax in the high drama which occurred in the Supreme Court in August and September.

Each of the moves in the Supreme Court involving desegregation of Little Rock public schools, could be listed as one of the ten top stories of 1958. But here's the order in which the NNPA sees the 10 top stories of the year:

The Supreme Court drama which began with Chief Justice Earl Warren called a special term of the court to consider the NAACP application to vacate orders of lower federal courts delaying desegregation of Little Rock public schools for two and a half years.

Thurgood Marshall, NAACP counsel, had asked Justice Charles E. Whittaker to vacate the order of the United States Eight Circuit Court of Appeals at St. Louis holding up its decision until the Supreme Court acted on the case. Justice Whittaker turned the papers over to Chief Justice Warren.

* * *

THE APPEALS court had reversed the decision of Federal District Judge Harry J. Lemley granting the Little Rock Board of Education the delay.

After listening to oral arguments on the petition of Mr. Marshall, the court set the case for argument on the petition of the Little Rock school board for a rvew of he court of appeals decision.

After listening to the brilliant arguments of J. Lee Rankins, Solicitor General of the United States and Mr. Marshall, and the argument of the attorney for the school board, the court the next day upheld the decision of the appeals court denying the delay.

* * *

TREATING THIS series of events as one story and No. 1 on the NNPA list of the ten best stories, the others fall in the following order:

2. The dynamiting of Jewish Community Centers in Nashvill and Atlanta, a Jewish Center and a colored school in Jacksonville, Fla., and a Jewish synagogue in Atlanta, and the bombing of colored churches and homes elsewhere.

In the Jacksonville bombing, a group called "The Confederate Underground" was said to be responsible for the outbreak.

3. The decision of a special three - judge Federal District Court in Richmond, declaring unconstitutional three of Virginia's so-called anti-NAACP laws.

4. The 13-day visit of Prime Minister Kwame Nkrumah of Ghana to Canada and the United States, three days of which he spent in Washington as the official guest of President Eisenhower.

* * *

5. THE ACCIDENT in which Roy Campanella, 36, catcher of the Los Angeles Dodgers, was critically injured in Glen Cove, Long Island, when his automobile overturned on a slippery road.

A four-hour, 15-minute operation was performed at the Community Hospital. His neck was broken and he was paralyzed from the shoulders down.

6. The stabbing of the Rev. Martin Luther King of Montgomery, Ala., by Mrs. Izola Ware Curry, 42, with an eight-inch letter opener in a Harlem department store while he was autographing his book.

7. The victory of Representative Adam Clayton Powell in the Aug. 12 Democratic primary after Tammany Hall under the leadership of Carmine De Sapio had attempted to dump him and gave its endorsement to Earl Brown New York City Councilman.

Powell, who had already received the Republican designation, defeated Brown by a vote of 14,837 to 4,935.

* * *

8. THE RESULTS OF the Nov. 4 election in which Mrs. Charles E. White mother of five children, was elected to the Houston, Texas, Board of Education; Woodford Porter, running as an independent, was elected to the Louisville Board of Education, and two women, Mrs. Irma G. Dixon and Mrs. Verda F. Welcome, both Democrats, were elected to the Maryland General Assembly from the fourth district in Baltimore.

9. The indictment of Representative Powell by a Federal grand jury in New York on charges of income tax evasion after pressure was brought to bear in the case to have the indictment returned by a conservative weekly magazine and a former Assistant United States Attorney who charged that the Justice Department had shelved the case as the result of an alleged White House deal whereby Powell supported President Eisenhower in the 1956 Presidential campaign.

10. Five hundred Lumbee Indians, including many armed with squirrel guns and hunting knives, balking a rally of 100 Ku Klux Klansmen near Maxon N.C. The Indians were angered over the burning of two crosses on Indian property to intimidate them.

Celler Planning Of Civil Rights

By the Associated Press

Representative Celler, Democrat of New York, today criticized the Civil Rights Commission as ineffective. He said his House Judiciary Committee will investigate it and the enforcement of civil rights legislation generally.

"I have no faith in that commission whatsoever," Mr. Celler said in an interview. "Little or nothing can be expected from it."

Mr. Celler, chairman of the Judiciary Committee, said Congress must consider a broad civil rights act such as he originally sponsored. The 1957 law concentrates largely on enforcement of voting rights.

Mr. Celler contended that the presidentially appointed Civil Rights Commission provided to study alleged denials of rights "has never gotten off the ground."

Largely because of Senate delays in confirming its members, the commission got a late start on its work. It must present its final report and recommendations to Congress and the President by September 9, 1959.

The commission is preparing for its first public hearings, scheduled for December 8 in Montgomery, Ala., on allegations that Negroes were denied voting rights. It has announced it will use its subpoena powers to get records denied its investigators by Alabama authorities.

10 1958

ELECTION BRIGHTENS PROSPECTS FOR CIVIL RIGHTS ACTION

By ANTHONY LEWIS
Special to The New York Times.

WASHINGTON, Nov. 8 — Changes made by the voters this week in the complexion of the United States Senate enhanced the already good prospect for significant action by the Eighty-Sixth Congress in the civil rights field.

As a generality the leftward shift in Congress is sure to produce, among its other effects, more enthusiasm for new civil rights legislation. A number of Republican Senators who at best have not been vigorous civil rights advocates are being replaced by men — Democrats and Republicans — who are.

But putting aside particular results this week, it is evident that strong political forces are working toward new Federal action on the racial issue.

U. S. Moves Urged

The bristling resistance of the South toward school integration, examplified this fall in Arkansas and Virginia, has inevitably brought demands from Negro groups and many sources in the North for Federal moves to crush that resistance. The recent bombings of schools and synagogues have fed Northern resentment.

The approach of a Presidential election adds to the pressures. Neither party will want to be caught with a Congressional record of weakness on civil rights just before 1960.

Of course, political pressures do not always produce legislation, as the past history of civil rights bills shows. The tactical outlook this time, however, is favorable.

Tightening Rules

First on the schedule of the civil rights forces is a move to tighten Senate rules to prevent filibusters. In the past Southern threats of endless debate have been regarded as a major obstacle to legislation on racial matters.

Senate Rule XXII permits closure of debate only on the vote of two-thirds of the full Senate membership. The rule provides no mechanism at all for closure of any debate about rules changes.

part proposal made last year by Lyndon B. Johnson of Texas, the majority leader.

He would, first, permit closure by two-thirds of those present and voting. Second, he would apply the rule to debate on rules changes. Finally, he would have the Senate go affirmatively on record for the principle that it is a continuing body.

A change in Rule XXII, if it does come, will not promise Nirvana for advocates of civil rights legislation. Shrewd observers ha[illegible] long believed that the reason for the failure of bills in the past was not just the threat of filibuster, but the lack of sufficient strong and sincere support for an agreed-on measure.

These observers recall that in 1957, when changing times and

The last major attempt to tighten Rule XXII came at the start of the Eighty-fifth Congress in January, 1957. The proponents then argued that the Senate was not—as always before believed—a continuing body. Under that theory the rules would not carry over from one Senate to the next, and a simple majority could make a parliamentary ruling ending debate.

Vice President Nixon indicated that he would uphold this view if called on for a ruling from the chair. At that point the leadership moved to table the proposed rules change, and many Senators in favor of the change voted to table because they feared the implications of holding the Senate not a continuing body. The tabling motion carried, 55 to 38. As a result of death, retirement and defeat, nine Republicans who voted to table will not be back in the Senate next January.

Arithmetic cannot prove that an assault like that in 1957 will win next January. What is clear now, as recognized recently by the Southern leader in the Senate, Richard B. Russell of Georgia, is that the movement for change in Rule XXII is becoming too strong to resist.

No Drastic Change

This does not mean that the Senate's traditional freedom of debate is in for drastic change Many interests outside the South have benefited from that tradition, and even the advanced liberals have indicated no desire to abandon it completely.

What is in prospect is a compromise something like a three-

politics produced the needed level of support, a civil rights bill in fact did pass—and without a filibuster.

The question now is what kind of bill can attract the kind of broad support necessary to push it through even a Senate that has moved sharply to the left. The answer will be given in part by the Administration and in part by the Democrats under Senator Johnson.

Justice Plans

The Justice Department has been considering possible legislation. No conclusions have been reached, and in any case President Eisenhower would have to be convinced before anything went up to the Capitol as an Administration proposal.

But it is possible to identify the areas of concern. One is the bombings. A bill to permit easier Federal intervention in the hunt for bombers is a good prospect.

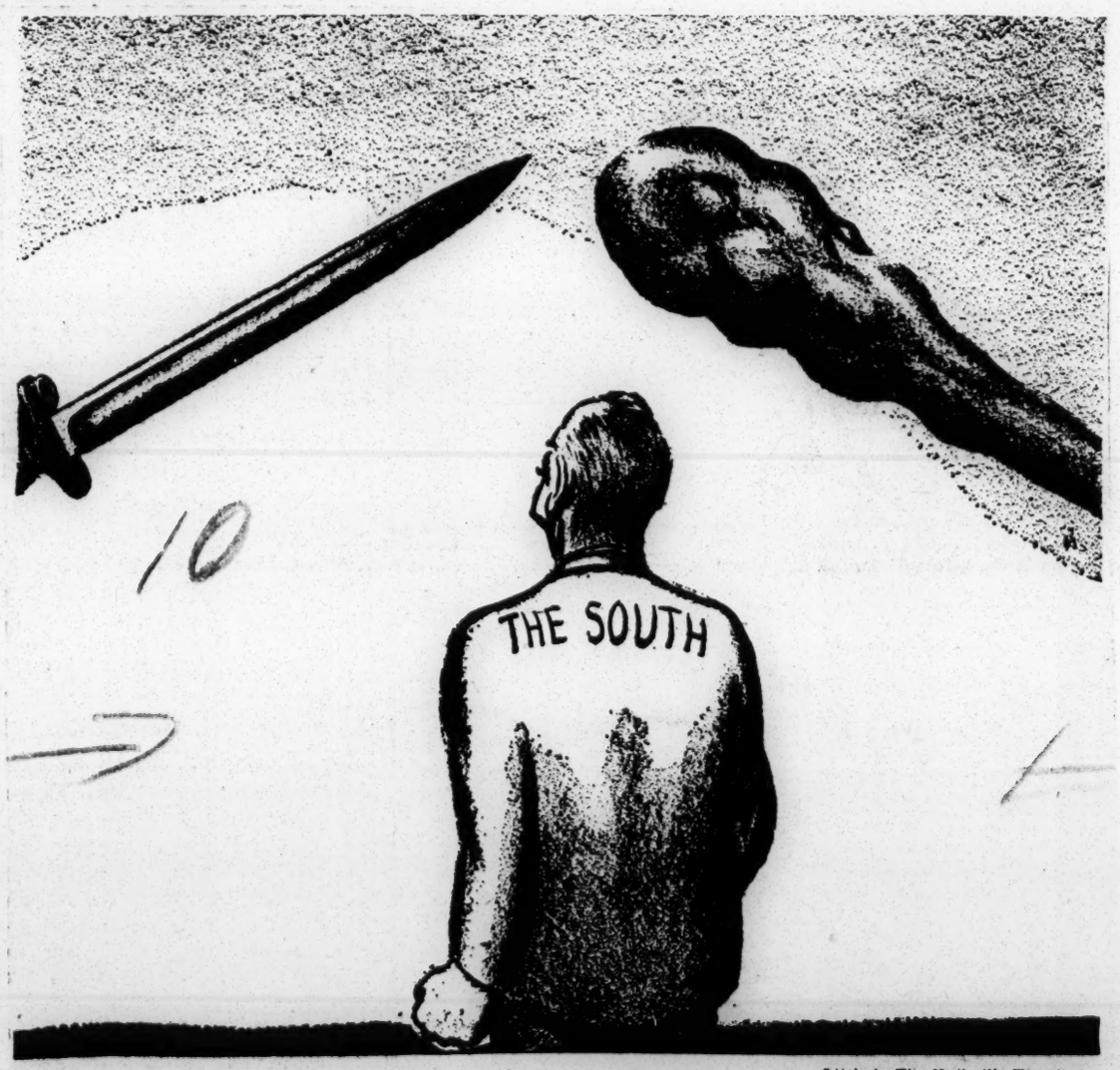
The school integration situation is, needless to say, the larger concern—and the larger problem. Attorney General William P. Rogers is wise enough to know that no frontal effort to legislate integration can succeed. But he is exploring ways to permit at least some further role for the Executive Branch in aid of the Federal Judiciary in the integration process.

Senator Johnson indicated this week that he would prefer to hold off on legislation until the Civil Rights Commission makes its recommendations. The commission, set up under the 1957 law, is studying discrimination in education, housing and voting and is due to make a report—possibly including proposals for new Federal laws—in September, 1959.

Push for Action

That the fight in Congress can be held off until then seems somewhat doubtful. In the House, at least, there will be a push for action in the first session of the Eighty-sixth Congress. The pressure will build if the President makes a specific proposal in his State of the Union message next January.

In any case, if the past is a guide, Senator Johnson will seek to put a Democratic imprint on any civil rights legislation that does pass. He will want something that can get by without inflaming his Southern colleagues to much, something that he can then claim as his own and his party's.



"On both your houses." Little in The Nashville Tennessean

10 1958

Civil Rights Commission Begins "Delayed" Work

Keating Proposes Time Extension; Ervin Protests

BY ALICE A. DUNNIGAN

WASHINGTON (ANP)—In spite of the Senate delay in confirming Asst. Atty. Gen. White to head the Civil Rights division of the Department of Justice, the Civil Rights commission has already begun work. After months of delay, the commission has at last set up a skeleton staff of 20 persons to begin a token operation.

Running true to form, the commission has included Negro members on the initial staff, giving the office the atmosphere of interracial activity. Heading this list is George Johnson, former dean of Howard Law School, who is chief of the Division of Research and Planning.

INTERRACIAL STAFF

Also on the staff are Eugene R. Jackson, former legal assistant to Assistant Secretary of Labor J. Ernest Wilkins; Mrs. Vivian Snowden Bullock, secretary to the Executive Director Gordon Tiffany; and Mrs. Eleanor B. Patterson, secretary to the Executive Secretary, Mrs. Carol R. Arth. Mrs. Patterson was formerly with the ICA and Mrs. Bullock with the Department of Defense. Edgar A. Featherson is serving as driver messenger.

By the time the Commissioners meet again on June 10, it is hoped that each will be ready to name his legal adviser, and the word can move into high gear.

At their last meeting it was reported that the commission had received 1,000 complaints, 800 of which did not qualify as officials complaints. According to lgal opinion in the commission a complaint might qualify if given under oath.

COMPLAINTS HUSH HUSH

A spokesman of the commission stated that each of the people filing complaints would be informed of the proper form in which complaints might be filed. Staff members are very hush-hush about complaints which have been filed.

"The commission's relationship with the complainants is treated as confidentially as a lawyer's relationship with his client," said one spokesman.

The commission has the power to subpoena witnesses and hold hearings at such times and places that it may deem advisable. They declined to say, however, whether any such hearings have been planned.

When the Commission was established under the Civil Rights act of 1957, it was given two years to complete and submit its report and recommendations. Under this law it would expire September 9, 1959.

But because it got off to such a slow start, and because it would be inimical to the spirit of the legislation" to force the commission to try to fulfill its mission with inadequate time, Sen. Kenneth Keating (R- N. Y.) offered a bill to extend the commission nine months of make up for the "delaying tactics of its opponents."

Keating's bill would extend the life of the commission to June 1, 1960.

However, Sen. Sam J. Ervin Jr., said he would strongly oppose any move to extend the life of the Commission, lest it eventually become permanent."

Stalemate Over Civil Rights Nominee Grips Committee

WASHINGTON (AP) — The Senate Judiciary Committee meets again Monday with still no signs that it will break the stalemate over W. Wilson White's nomination to head the new Civil Rights Dicision in the Justice Department.

Three Southern Democrats on the committee said Sunday they are in the dark as to whether any action will be taken before Congress adjourns.

White, a Philadelphia lawyer, was named by President Eisenhower to be an assistant attorney general in charge of the new Civil Rights Division.

But his nomination, submitted to Congress last January, has been bogged down in the Judiciary Committee ever since.

Sens. Olin D. Johnston (D-SC) John L. McClellan (D-Ark) and Sam J. Ervin (D-NC) said in separate interviews they don't know whether White's nomination will be acted on before adjournment.

White, who has been serving under a recess appointment made by the President last Dec. 9, will go off the payroll automatically unless he is confirmed by the Senate before this session of Congress ends.

White formerly headed the department's office of legal counsel and prepared a brief on the question of the President's powers to use troops to enforce court orders.

At the committee's last hearing on White's nomination, the Justice Department was requested to make available the brief he had written and interoffice memoranda he had exchanged with former Atty. Gen. Herbert Brownell.

Brownell's successor, Atty. Gen. William P. Rogers, promptly sent the material to Sen. James O. Eastland (D-Miss) the committee chairman.

Nixon Vows New Action On Rights

Strikes Out on Own In Field Where Ike Proceeds Cautiously

By Jack Bell

NEW YORK, Oct. 23 (AP) Vice President Richard Nixon pledged the Eisenhower administration today to support new efforts to broaden the strife-marked field of civil rights.

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Nixon fired back at Stevenson's criticism, in Milwaukee, Wis., Saturday night of what the former presidential nominee said was Mr. Eisenhower's lack of leadership "in the great national undertaking in racial equality decreed by the Soupreme Court."

Citing Stevenson's criticism, Nixon asked what the Democratic leader intends to do about Faubus, Griffin and leading foes of desegregation.

"And as head of the Democratic Party what leadership does he intend to exert on the Democratic chairmen of the powerful committees in the House and Senate who consistently block action on the Eisenhower proposals in the field of civil rights?" Nixon asked.

Chairman James O. Eastland (D-Miss.) of the Senate Judiciary Committee is a foe of desegregation. Chairman Emanuel Celler (D-N. Y.) of the House Judiciary Committee supports desegregation and other civil rights measures.

Nixon was said to believe Stevenson's criticism of the President in the civil rights field ought not to go unanswered lest it affect the outcome of critical Senate and House races in such states as New York, New Jersey, Michigan and California.

An enthusiastic President Eisenhower returns to Washington from campaign jaunt, considers other trips in behalf of GOP. **Page A2.**

Smathers Suggests Butler Avoid Civil Rights Debate

By ALLEN DRURY
Special to The New York Times.

WASHINGTON, Oct. 21—A leading Southern Democratic Senator advised Paul M. Butler today to pipe down on the subject of civil rights. In a tartly worded letter, Senator George A. Smathers of Florida told Mr. Butler, chairman of the Democratic National Committee, that he should forget the dispute over civil rights for the time being and concentrate instead on electing Democrats to Congress two weeks from today.

At the same time, however, Senator Smathers pointedly refused to join those Southerners who are clamoring for Mr. Butler's resignation.

And he said emphatically that for the South to try to form a third party because of the rights dispute would be "a futile dead-end street for us" and "completely hopeless."

Rules Change Eyed

Another leading Southern Democrat, Senator Richard B. Russell of Georgia, said that it was "quite possible" that Senate might agree in January to a rules change curtailing the Southerners' use of unlimited debate to defeat civil rights measures.

Mr. Butler touched off the latest Democratic party dispute over racial integration when he appeared on a television program over the week-end. He said that if Southerners did not like the party's official stand in favor of integration they could find asylum either with the Republicans or in a third party.

His remarks brought a flurry of angry comment from Southerners, many of whom called for his resignation as the party's national chairman.

In his letter Senator Smathers reminded Mr. Butler that while Democratic prospects this year indicated a "substantial victory," events of the final two weeks of the campaign could seriously affect the result.

Would Avoid Dissension

He suggested to Mr. Butler that between now and Nov. 4 "at least we try to avoid allowing ourselves, or for that matter our opponents, to accentuate any division which exists in our party."

"I humbly suggest to you," the letter continued, "that you cease firing on the issues of 1960—and let's concentrate on winning the elections of 1958, which can be won or lost within the next two weeks."

"Certainly every knowledgeable Democrat recognizes," Senator Smathers wrote, "that the issue of civil rights is a delicate and difficult one because of the differing background and experience of Democrats within our party.

He went on: "However, I am sure that you must also appreciate that it is not a general issue in the fal lelections of 1958, and that a continuing discussion of it takes peoples' minds off of the virtues of the Democratic party, the reasons why our candidates should be elected in 1958, and in fact, takes the attention off of our fine candidates themselves."

"Our candidates are each running within the boundaries of his own state. Each knows best what the issues should be in his particular campaign and very properly he will pick them. We therefore should leave this decision to our candidates."

No Comment by Butler

At Democratic headquarters Mr. Butler's office said he would make no comment or reply to the Senator's letter.

Senator Smathers, chairman of the Democratic Senatorial Campaign Committee, told newsmen he felt Mr. Butler had done "a commandable job" and should not resign. On a third party he said:

"I think it would be a very bad mistake for the South to set up a third party. It would cost us prestige in the country and in Congress. It would be a futile dead-end street for us, and it would be completely hopeless. We in the South must attempt to accommodate ourselves as much as possible within the Democratic party as it is now constituted."

Senator Russell said he felt there would be strong support in January for a change in the Senate's present Rule 22, which requires a vote of two-thirds of the full Senate membership to limit debate.

Senator Russell said such a change might allow two-thirds of the Senators actually present to apply closure, or limitation of debate, and might agree that the Senate was a "continuing" body whose rules continued from one session to the next.

Indicates Compromise Offer

Senator Russell's statement an apparent indication of what the Southerners might be prepared to accept, would thus open the way to an easier imposition of closure, which the Southerners do not like. But at the same time, by carrying over the rules from one session to the next, it would make it more difficult to amend the rules in the future.

Commenting on other political developments, Senator Smathers said he thought the Democrats would gain possibly twelve seats in the Senate this year. He said he doubted that President Eisenhower's campaigning for the Republicans had changed a single vote.

The Senator said that the record of the Democratic-controlled Eighty-fifth Congress "would not justify even the President of the United States" in saying, as the President did in Los Angeles last night, that "extreme radicals" were in control of the Democratic party.

Two Republican members of the House, meanwhile, hailed the President's Los Angeles address.

Representative Richard M. Simpson of Pennsylvania, chairman of the Republican Congressional Campaign Committee, sent Mr. Eisenhower a wire praising the "earnestness and the fighting qualities of your hard-hitting assertions."

Representative Charles A. Halleck of Indiana sounded the same theme as the President—"the radicals who now dominate the Democratic party."

Senator Everett M. Dirksen of Illinois also hailed the speech. "The myths and distortions created by the Democrat bubble-blowers were exploded by the President's eloquent report on the accomplishments of the Administration," he said.

Associated Press Wirephoto

GIVES ADVICE: Senator George A. Smathers, whose letter to Paul M. Butler suggested that the chairman of Democratic National Committee should try to avoid civil-rights issue.

Mitchell Traces Civil-Rights Problem To What Children Hear From Adults

Asks Resistance To Corruption

St. Louis, Sept. 21 (AP)—Labor Secretary Mitchell told the National Conference of Catholic Women Sundey that solving the problems of civil rights and labor depends on the training children get at home.

"Civil rights," said the secretary, "is not solely a legal problem. Basically it is a moral problem."

He told the 10,000 delegates that America will always have a civil-rights problem as long as children hear parents and neighbors "utter snarling, derogatory" remarks about other races, creeds, and religions.

Asks Individual Efforts

Mitchell said a federal law is desperately needed to curb abuses of some labor leaders, "but more than anything else America needs men and women who will fight corruption wherever they find it."

The Secretary said the burden of stopping labor corruption was on local officials, supported by local law and a helpful citizenry.

Archbishop Karl J. Alter, Cincinnati, said there is a new movement in religion today, as evidenced by a huge upswing in church memberships.

But accompanying this movement, the archbishop said, is a secular trend.

"Religion is frequently nothing more than a social-welfare program," he said . . . "It is a man-centered religion rather than a God-centered one."

Calls System 'Religiosity'

The archbishop termed the new movement "religiosity," a combination of religious sentiment and secularism.

On education, the archbishop said:

"We as Catholics are not opposed to public schools. We endorse the principles of universal and free education. We regret the absence of religious instruction, but are conscious of the difficulties involved."

Archbishop Joseph E. Ritter, St. Louis, said that spreading materialism is "shattering and submerging the Christian ideals of the home, the family, the sacredness of marriage, public and private decency, and honor."

"When God is left out of marriage, out of education, and out of the social living," the archbishop said, "secularism becomes the order of the day."

10 1958

Senators Submit New Rights Bill That Broadens Federal Powers

By ALLEN DRURY

Special to The New York Times.

WASHINGTON, Feb. 10—A bipartisan bloc of Senators introduced today a civil rights bill that would give the Government broad new powers to encourage school desegregation and fight infringements of rights.

The measure was offered by Senator Paul H. Douglas, Democrat of Illinois, its chief sponsor, shortly before the House of Representatives voted to delay action on a $14,808,850 appropriation bill in a move to force the Administration to organize the new Civil Rights Commission authorized by Congress last year.

Many Senate observers believed that the Douglas bill was dead. The Administration and the Democratic and Republican leaderships in Congress have a tacit understanding that no new rights legislation will be considered in the foreseeable future.

Wide Range of Proposals

As though its sponsors had recognized this, and so had decided to throw exerything possible into the bill for whatever political value it might have, the measure contained a range of proposals so wide that almost any single one would be sufficient to touch off weeks of Senate debate. They included:

¶A preamble upholding the Supreme Court's desegregation decision and criticizing the South for its solwness in complying.

¶Authorization for the Secretary of Health, Education and Welfare to encourage school desegregation by all means of education and uublicity, including the recruitment and training of "specialists" who would be sent to local communities to assist the program.

¶Authorization to the Secretary of $2,500,000 a year for five years to carry on this policy.

¶Authorization for five annual appropriations of $40,000,000 each for the Secretary to give assistance, including school construction aid, to states, communities and school districts attempting to desegregate.

¶Authorization for the Attorney General to intervene in any ...a that has refused to comply with a desegregation plan proposed by the Secretary, and seek a court injunction to enforce compliance.

¶Authorization for the Attorney General to seek court injunctions to guaratee all persons "equal protection of the laws" in all fields of civil rights.

Stricken in '57 Act

The last provision was stricken from the Civil Rights Act of 1957 when that measure, first in its field to pass Congress in eighty years was considered by the Senate last summer.

The sponsors of the new bill included:

Senators Hubert H. Humphrey of Minnesota, Thomas C. Hennings Jr., of Missouri, Pat McNamara of Michigan, Richard L. Neuberger and Wayne Morse of Oregon, William Proxmire of Wisconsin and Joseph S. Clark of Pennsylvania, all Democrats, and Irving M. Ives and Jacob K. Javits of New York, Clifford P. Case of New Jersey, Gordon Allott of Colorado and Everett M. Dirksen of Illinois, Republicans.

Meanwhile Attorney General William P. Rogers said the Administration would enforce the 1957 law, which was restricted to protecting voting rights, with as much vigor as other laws but "without a lot of talk."

He said the President would sign a bill giving the Government broader rights powers if Congress passed one, but the Administration would not initiate such a measure.

Senator Douglas and his colletagues promised to fight for their bill at the present session. Southern Senators, who did not comment immediately, were expected as usual to form a phalanx of opposition.

The House's surprise action came during consideration of an appropriations bill carrying funds for executive agencies. In it the President has requested $750,000 for the new rights commission.

On a standing vote of 85 to 67 the House voted to delay consideration after several members had charged that the Administration was stalling on selecting a staff director for the commission. No witnesses had appeared before the Appropriations Committee to justify the $750,000 request.

Representative Louis C. Rabaut, Democrat of Michigan, who made the motion to delay action, told reporters later that his purpose had been to force the White House to speed the commission. A more practical reason cited privately by others was that the bill might have touched off a rights debate when many members were absent.

$17,500 Award Sets Precedent In Civil Rights

Chicago (ANP) — The awarding of $17,500 in damages to a Negro woman for injuries sustained in a beating by two city policemen may set a precedent in the field of civil rights violation, legal experts here believe. It is already the largest sum ever awarded in a federal court here in a non-fatal case alleging such violation.

Recipient of the award was Mrs. Augusta Carpenter Harmeson, who was awarded the judgment in federal court here. Through her attorneys, she had charged the officers arrested, beat and permanently injured her without cause.

However, because of the record judgement for a case of this type, civil rights lawyers here are closely studying the case as a model for future action. For the same reason the city might appeal the case, they say.

Under a federal law, the city is liable for improper acts committed by city employes while on duty. The cops were on duty when Mrs. Harmeson charged they beat her up.

Rogers To Seek No New Civil Rights Proposals

WASHINGTON, Feb. 9 (U.P.)— Atty. Gen. William P. Rogers said today the justice department would enforce the new civil rights law with the same "vigor" it throws behind other laws but "without a lot of talks."

He said the department's new Civil Rights Division already was looking into four voting rights cases. The law passed by Congress last year authorized the department to seek court injunctions to protect the voting rights of Negroes and others.

Rogers said he did not plan to submit new civil rights legislation to Congress this year, certainly not while the President's Civil Rights Commission is trying to determine whether any new laws are needed.

But he said that if Congress should approve on its own the so-called Part Three of the old bill he would recommend that President Eisenhower sign it. Section Three, knocked out of the bill by the Senate, would protect rights other than voting privileges.

Rogers said he never actually proposed a "cooling-off period" in the civil rights problem, as reported in some quarters. He said he merely stated that he did not think this was the time for a lot of unbridled talk.

"One public official makes a statement and then somebody else answers it and that just keeps the emotions aroused," he said. "So I think from a law enforcement standpoint that's a disservice and I did not propose to make those statements."

Rogers replied with a flat "No, I don't" when asked whether he saw any parallel between the Little Rock integration dispute and the violence of pupils in Brooklyn, N. Y. schools.

Some Southern congressmen have called on the government to intervene in the Brooklyn situation as it did in Little Rock. Rogers' statement made it clear that the administration viewed the cases as far different.

Asked about a "charge" that the administration had been "procrastinating" on civil rights prosecution generally, Rogers said "I don't think it's true."

"We will enforce these civil rights statutes with the same vigor that we enforce other laws in this country," he said.

...er Predicts Civil Rights Push

Celler Announcement Called Early 'Hand Tipping'

FIGHT TO BE ORGANIZED

By The Associated Press

WASHINGTON, June 8.—Representative William M. Colmer (D., Miss.) predicted Sunday that proponents of civil rights legislation will intensify their efforts the next two years to force "complete integration of the races by congressional mandate."

Mr. Colmer based his prediction on a recent announcement by Emanuel Celler (D., N. Y.), chairman of the House Judiciary Committee, that his group will have hearings in late June and early July on pending civil rights bills.

New Law 'Landmark'

In his announcement Mr. Celler said the law passed last year was "but a landmark" and that "we must proceed further if our ultimate goal is to be reached."

Mr. Colmer said it is obvious Mr. Celler knew there is no hope of passing any legislation this year and "he is merely laying the groundwork for further and more drastic legislation early in the next Congress."

Mr. Colmer, as head of the Southern House group which has fought civil rights legislation for years, said his group is "grateful to Mr. Celler for tipping his hand this early."

"It will give us ample opportunity to organize our forces for all-out resistence to this further effort to force people of all races to integrate by Federal force and to further their efforts for a totalitarian state," he said.

Ignore Commission

Mr. Colmer said Mr. Celler and proponents of further legislation "are indifferent, apparently, to the fact that the Civil Rights Commission set up under this act (1957 act) has not even organized, much less made their study upon which to base their recommendations for future action of the Congress."

Likewise, he said, the integration forces are indifferent "to the disruption of the heretofore good relations existing between the races and the widespread acts of violence which resulted from the Supreme Court decree and passage of the Civil Rights Bill."

He predicted the 86th Congress, to be elected this fall, will be more crucial "in this field of spiteful, anti-Southern legislation" than the existing 85th Congress.

Seek To Push Okay Of White In Race Post

WASHINGTON — Attorney General William P. Rogers has decided to make a personal hand in the drawn-out fight for senate confirmation of W. Wilson White as head of the governments' new civil rights division, it was learned last night.

Justice Department sources said Rogers will express his concern over the long delay at a news conference White's nomination has been bottled up in the Senate Judiciary committee since last Jan.

President Eisenhower told a news conference May 14 that he for one had not found a good way of shaking the nomination loose.

The committee held two hearings on the nomination last February but has shown no inclination to act.

Chairman James O. Eastland (D-Miss.) said Sen. John L. McClellan (D-Ark.) wants to question White further after he winds up his Senate Rackets committee hearings in a couple of weeks.

White was named to the post last Dec. 9 with the rank of assistant attorney general. He has been serving under an interim appointment since that time and has hired 19 lawyers for the new ly-authorized civil rights division.

Department sources indicated, however, that White has been forced to act "under wraps" because of the confirmation delay.

Mississippian Sees Big Rights Battle

News and Courier
Charleston, S.C.

WASHINGTON (AP)—Rep. William M. Colmer (D-Miss) predicted Sunday that proponents of Civil Rights legislation will intensify their efforts the next two years to force "complete integration of the races by Congressional mandate."

Mar. 6-9-58

Colmer based his prediction on a recent announcement by Chairman Emanuel Celler (D-NY) of the House Judiciary Committee that his group will have hearings in late June and early July on pending Civil Rights bills.

In his announcement Celler said the law passed last year was "but a landmark" and that "we must proceed further if our ultimate goal is to be reached."

P-2-A

Colmer said it is obvious that Celler knew there is no hope of passing any legislation this year and that therefore "he is merely laying the groundwork for further and more drastic legislation early in the next Congress."

Colmer, as head of the Southern House group which has fought all Civil Rights legislation for years, said his group is "grateful to Mr. Celler for tipping his hand this early."

"It will give us ample opportunity to organize our forces for all-out resistance to this further effort to force people of all races to integrate by federal force and to further their efforts for a totalitarian state," he said.

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He said he predicts that the 86th Congress, to be elected this fall, will be more crucial "in this field of spiteful, anti-Southern legislation" than the existing 85th Congress.

CHAIRMAN ON WAY OUT?

Butler's Civil Rights Stand Angers Southern Politicos

ATLANTA, Oct. 20 (UPI)—Democratic National Chairman Paul Butler's invitation to anti-civil rights Democrats to quit the party stirred up a solid front of angry defiance among Dixie's political leaders today.

Party officials throughout the South roundly denounceed the national chairman and hinted a move would be made to replace Butler. They left no doubt, either, that any third-party movement would be discouraged.

Party chairmen in Alabama, North Carolina and Mississippi said point blank the South would not be driven out of the party.

Butler On Way Out?

Alabama Chairman Roy Mayhall said Butler's remarks were a "last ditch effort . . . to save his own skin as chairman." He added it was "well known among Democratic party leaders for a long time that Paul Butler is on his way out as chairman of the party. . . ."

Mayhall's remarks were backed up by Mississippi Gov. J. P. Coleman, who said Butler may be ousted as party chairman. "Instead of the South being thrown out, Mr. Butler may be thrown out," Coleman observed.

Butler, interviewed yesterday on a national television program, predicted there would be no compromise on a strong civil rights plank in the Democratic platform in 1960. He said party members who could not go along with such a plank "are going to have to take political asylum wherever they can find it, either in the Republican party or a third party."

Propaganda Seen

North Carolina Democratic Chairman Woodrow Jones accused Butler of "putting out propaganda for his own benefit" and noted that the chairman "does not own the Democratic party and doesn't determine who is going to stay in it and who is going to leave."

Mississippi Chairman Bidwell Adam said he thinks Butler is "trying to drive the South out of the party, but I don't think we are going to be driven out that easily."

Fiery Louisiana Gov. Earl K. Long said, "I've been hearing things like that 'integrate or get out' for a long time. You can tell Mr. Butler I said I don't intend to do either."

Long Gets Support

Long was supported by Louisiana's unprecedented "pair" of national committeemen who refused to take Butler's remarks at face value. Jett Talbot, who recently was elected national committeeman by an irate central committee that ousted Camille F. Gravel, said he would support "moderate" civil rights plank. Gravel, still recognized by the national committee as Louisiana's committeeman, said "There is an area of common ground where both Southerners and Northerners can and should try to get together."

Other reactions:

Arkansas Gov. Orval Faubus—"Let's wait and see if Mr. Butler is speaking for Mr. Butler or if he is speaking for somebody else."

Florida Sen. Spessard Holland—"I regret that Mr. Butler is injecting this discordant note into the campaign just at the time when most good Democrats, both in Florida and elsewhere, are trying to bring the party together in harmony for the coming general election.

"I maintain, however, that Southerners will stay in the Democratic party and will not organize a third party.

"Mr. Butler has been trying to dictate to the South over a period of years without success. I know a lot of Democrats outside the South who don't agree with Butler.

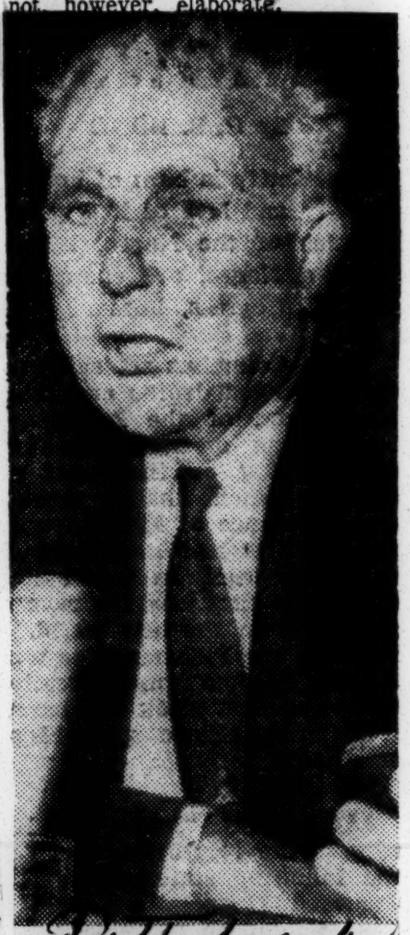
"I believe the majority of Southern Democrats will prefer to stay with the party in view of their unwillingness to give up the strong position they have by reason of chairmanships of several committees and subcommittees in both the Senate and House."

Smathers' View

Florida Sen. George Smathers—"I think the time has come when the chairman of the Democratic National Committee should start spending his time pointing up the unity of the Democratic party rather than its divisiion."

Texas Sen. Lyndon Johnson—"We need to concentrate on the things which unite us, not those which divide us."

Georgia Governor-nominee Ernest Vandiver said Butler's "ilk" has become so "obnoxious" that "true Democrats are forced to band together in a new Democratic party." He agreed that such a proposal might result in a "division" in party ranks. He did not, however, elaborate.



Announcement

Dr. John A. Hanna of Lansing, Mich., chairman of the Federal Civil Rights Commission, shown as he announced that his group will hold hearings in Montgomery, Ala., beginning Dec. 2, on alleged violation of voting rights.—Wide World Photo.

10 1958

Nixon Explodes at Press Talk, Defends Stand on Civil Rights

By The Associated Press

Vice President Nixon angrily rejected Monday a suggestion that the Eisenhower administration is not moving forward on civil rights. Nixon campaigned across Michigan for hard-pressed Republican candidates after a blowup at a Minneapolis, Minn., news conference.

The vice president was asked by a reporter (Philip Potter, Baltimore Sun) what the administration had not responded to demands made by a youth march group in Washington for civil rights action.

EYES FLASH

Nixon flared back, eyes flashing and chin jutting.

"I am not going to stand here and take an insinuation that I have refused to discuss civil rights in this campaign. I have made the same speeches in the South that I have in the North.

"If the Democrats do a little job with (Gov. Orval) Faubus of Arkansas and Gov. (Marvin) Griffin of Georgia, it would be better for all concerned."

The youth marchers, who failed to see President Eisenhower, asked the withholding of federal funds from states which flout the Supreme Court's integration decision, an end to Senate filibusters, federal funds to keep open integrated schools and a law making dynamiting of public buildings a federal offense.

ENDS TALK

Nixon dismissed the news conference with an emphatic "thank you, gentlemen, that is all," without mentioning these demands.

The big guns of the Democratic party were silent temporarily as the last week of campaigning for the Nov. 4 elections began.

While there were no major Democratic campaign speeches, Paul M. Butler, chairman of the Democratic National Committee, made a public protest in Washington against what he described as "the participation of officers of the armed services and the use of films prepared by the Defense Department with taxpayers' money on behalf of Republican candidates."

DEMANDS STOP

Butler demanded that Secretary of Defense Neil McElroy stop the practice.

Butler said a paid political broadcast in Nevada on behalf of Sen. George W. Malone (R-Nev) featured an interview with Rear Adm. H. G. Rickover, and that Maj. Gen. Theodore S. Riggs appeared on a paid political broadcast in Michigan in support of Sen. Charles E. Potter (R-Mich).

In his Michigan swing, Nixon bore down on theme that election of "radical Democrats" would saddle the country "with soaring prices, higher taxes and eventual controls on the economy."

A Roundup

KEATING PLEDGES 'FAUBUSISM' FIGHT

Says His House Civil Rights Bill Was 'Watered' in Senate by Texans

By HOMER BIGART

Representative Kenneth B. Keating, Republican candidate for Senator, promised last night that if elected he would lead the Senate fight for civil rights legislation against "Faubusism."

Recalling his sponsorship of the original civil rights bill that passed the House in 1957, Mr. Keating said the measure had been watered down in the Senate "under Texas leadership."

"Had the House version remained intact this legislation would be crushing Faubusism right now," Mr. Keating told a rally in the Second Assembly in Brooklyn at 1634 East Fourteenth Street.

"Let no one forget that the Democrat party suffers from a badly split personality on the civil rights issue." Mr. Keating said. "Let no one underestimate the power of Democratic chairmen of Senate committees, their ability to keep fellow members of their party in line for a significant part of the time.

"Do not forget that Senator Eastland of Mississippi is the Democratic chairman of the Senate Committee on the Judiciary, the committee which handles and traditionally attempts to pigeon-hole civil rights legislation.

"These men have two great weapons—political party pressures and the filibuster.

"We must start the renewed battle for meaningful civil rights legislation by making it possible to choke off filibusters by majority vote, once debate has run a reasonable length of time. Filibusters thwart the will of the majority and are the worst evil in the legislative process.

"Sooner or later the archaic filibuster will have to go. I propose to make it 'sooner' not 'later'."

Mr. Keating predicted that a curb on filibustering would permit passage of a key section of his civil rights bill that was deleted last year by the Senate. That section would have extended Federal protection to all civil rights, not merely voting rights, he said.

Earlier, in a speech at Ninth Assembly District Republican Headquarters, 514 Eighty-sixth Street, in the Bay Ridge area of Brooklyn, Mr. Keating chided his Democratic opponent, District Attorney Frank S. Hogan, for inexperience on national and international issues.

"This is a dangerous age," he said. "It certainly is no time to send a District Attorney to Washington for on-the-job training as a Senator."

Another Civil Rights Fight Looms For The South

CLARENCE MITCHELL, NAACP legislative director, predicted the other day that Congress will strengthen the Civil Rights Act next year.

Mitchell based his prediction on the Nov. 4 voting, the recent school closings and church bombings in the South—all tending to strengthen the civil rights forces.

Normally this could be dismissed as the wishful thinking of a special pleader. But a *Congressional Quarterly* analysis of voting probabilities suggests Mitchell may not be exaggerating in his own analysis of the disposition of the next Congress.

The first order of business for the NAACP is to strengthen the act by giving the U.S. attorney general power to take "preventive action" in *all* civil rights cases, thus vesting the office with the powers of a provincial *gauleiter* in the South.

Last year the House voted 251-158 for giving the attorney general these powers. The Senate, thanks to Southern opposition, voted 52-38 to confine the attorney general's new powers to the voting field.

★

IN THE Nov. 4 voting, civil rights forces picked up a potential of 12 votes in the House, lost none—an increase Mitchell describes as "a good situation made somewhat better."

In the Senate, the NAACP picked up six potential new votes, lost none. All other factors remaining unchanged, this would narrow the margin by which the proposal was rejected in 1957 to 49-47.

The NAACP expects also to win over the two Alaskan senators to be elected Nov. 25, giving civil rights proponents a 51-47 edge at least in the Senate. And the NAACP is count-

ing on violence committed by Southern lunatics to increase this still further, as anyone but the bombers themselves could have seen would be a probable effect.

★

ALL in all, the South has small reason to look forward to the civil rights antics of the new Congress. But at least it has been demonstrated to the country and to Congress since 1957 that resistance to forcible race-mixing is vast and deep, not a thin veneer as some Northerners blithely contended.

Where the 101st Airborne failed in converting the infidels, the attorney general is unlikely to succeed.

Bolstered Democrats Approach Civil Rights Decisions with Caution

Johnson, Rayburn Draft Bills

By RUSSELL BAKER

(Copyright 1958, The New York Times Co.)

WASHINGTON—The Democratic congressional leadership is preparing to ask its big new majority to enact a comprehensive and distinctively Democratic legislative program in the 86th Congress.

The architects of the Democratic program, already partially formulated, are the two Texans who will lead the Senate and the House for the next two years—Sen. Johnson and Speaker Rayburn.

PRESENT PROGRAM

As it now stands, the program calls for new labor and housing legislation, aid for depressed areas, land reclamation projects for the West and a reassessment of farm policy. It also encompasses closer congressional participation in foreign policy and policy toward space exploration.

In addition, the Democratic leaders plan to push programs for urban renewal, for development of peaceful uses of atomic energy and for restoring the economy in depressed areas.

Civil rights, potentially the most dangerous issue on the horizon for the Democrats, is being approached gingerly. Sen. Johnson is known to favor waiting for the Civil Rights Commission to submit its recommendations before Democrats commit themselves.

FACES PROBLEM

Confronted with a strong new liberal element in the Senate, his problem is to prevent the party from splitting into angry Southern and liberal factions when the civil rights issue rises.

His thinking at present is that additional progress can be made in the field without a party rupture if both sides can be persuaded to approach the subject in a spirit of conciliation rather than argument.

While the Democratic leaders were moving fast to take advantage of Tuesday's congressional sweep, the White House revealed that President Eisenhower and Vice President Nixon had conferred Wednesday night on the meaning of the turnover. Their conclusions were not disclosed.

The plan to present a Democratic legislative program amounts in effect, if not in intent, to a challenge to President Eisenhower's White House leadership. Traditionally, the President outlines the bulk of Congress' work in his annual State of the Union message when the session opens.

Though the Democratic chal- the White House and a strong Democratic leadership initiative.

The Johnson thesis is that there are enough problems, created by the population expansion, the international situation and the scientific-technological revolution, to keep the Democrats too busy for partisan mischief-making.

With their expanded majority, the Senate's committees will be reapportioned to allow greater Democratic representation and Sen. Johnson hopes to find important committee posts for each of his newcomers.

Moreover, he has not met most of the new "Class of '58" and believes the Republicans will be confounded if they interpret its "liberal" label to mean that it will be a clique of irresponsible free-spenders out to subvert the administration.

The preferred word in the Johnson camp is "progressive."

The Democratic program acknowledges that they will be deeply interested in the problems of the urban-industrial North, the West, the farm belt and depressed areas where Democrats showed great strength in Tuesday's voting.

Top items on Johnson's program include aid for depressed areas, legislation to help revitalize the cities, a review of administration farm policy and water conservation, irrigation and reclamation projects for the West.

Implicit also is recognition that the next Senate probably will be more aggressive than its predecessor in the foreign policy field. In the past Sen. Johnson has been hesitant to condone congressional pressure on the administration's conduct of foreign policy.

10 1958

Here's What the Civil Rights Commission Does

First in a Series

"What is the Commission on Civil Rights doing about these things?" a disturbed citizen might ask after reading or hearing of violations of civil rights reported from distant parts of the country.

The answer in some cases is: Everything that it can possibly do. In other cases: There is nothing it can do.

The answers do not always satisfy. But that is because all too often the average citizen just does not know what the Civil Rights Commission is, what it can do, and what it cannot do.

The Pittsburgh Courier will attempt to supply the answers to those and other questions about the Civil Rights Commission in a series of three articles. The first of these appears below.

Pittsburgh Courier

WASHINGTON, D.C.—For the first time in history Congress has set up a commission to study how the civil rights of American citizens guaranteed by the Constitution are being protected nearly 100 years after adoption of the 14th and 15th Amendments.

Pittsburgh, Pa.

That body is the new Commission on Civil Rights, authorized by the Civil Rights Act of 1957. The six commissioners and a staff director were appointed by President Eisenhower and confirmed by the Senate earlier this year.

It is not a law enforcement agency; it was given no police power and therefore can exercise none. It is mainly a body to gather, appraise and report facts. Its duties are spelled out in the Act creating it, which provides that

"The commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

Sat. 10-4-58

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

P. 2

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

The commission's authority to investigate violations of voting rights may be used only when it is claimed the denial is "by reason of color, race, religion, or national origin."

■

ALSO, BEFORE it can investigate a denial of voting rights it must receive a complaint **"in writing under oath or affirmation."** No special form of complaint is required, as long as it sets forth the facts upon which such belief or beliefs are based.

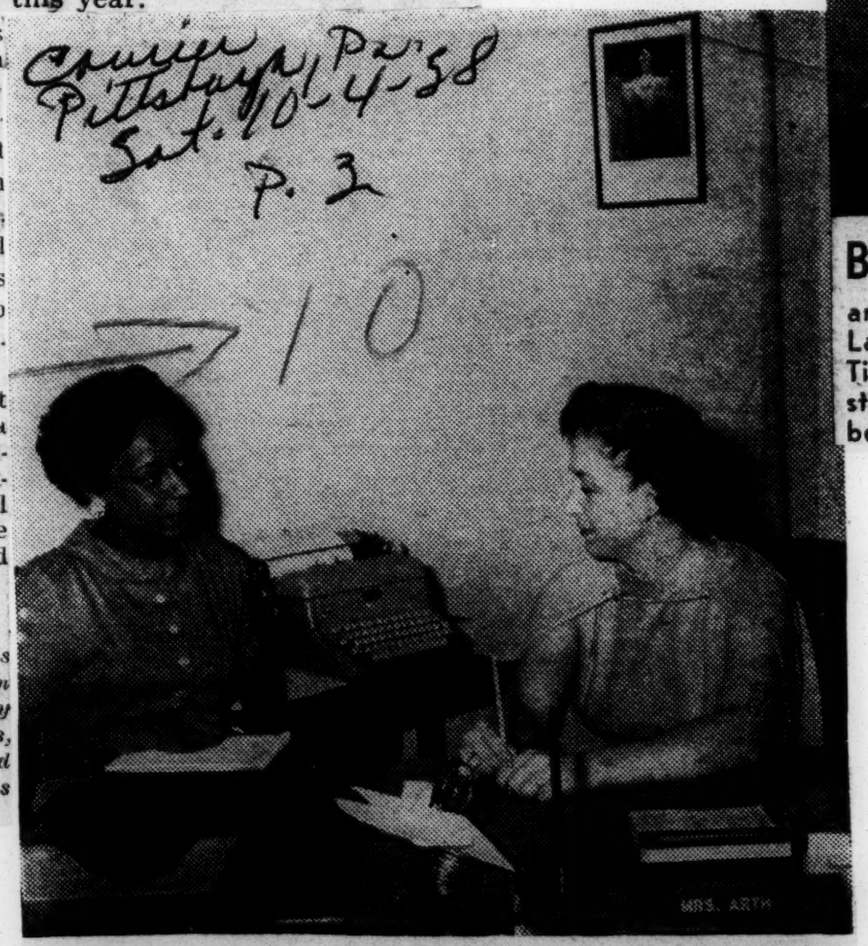
The commission has until Sept. 9, 1959 to complete its studies and make its reports to the President and to the Congress.

These reports will be of great importance, especially if as a result of the commission's findings and recommendations significant changes in Federal laws and policies are made which will better protect and secure civil rights.

■

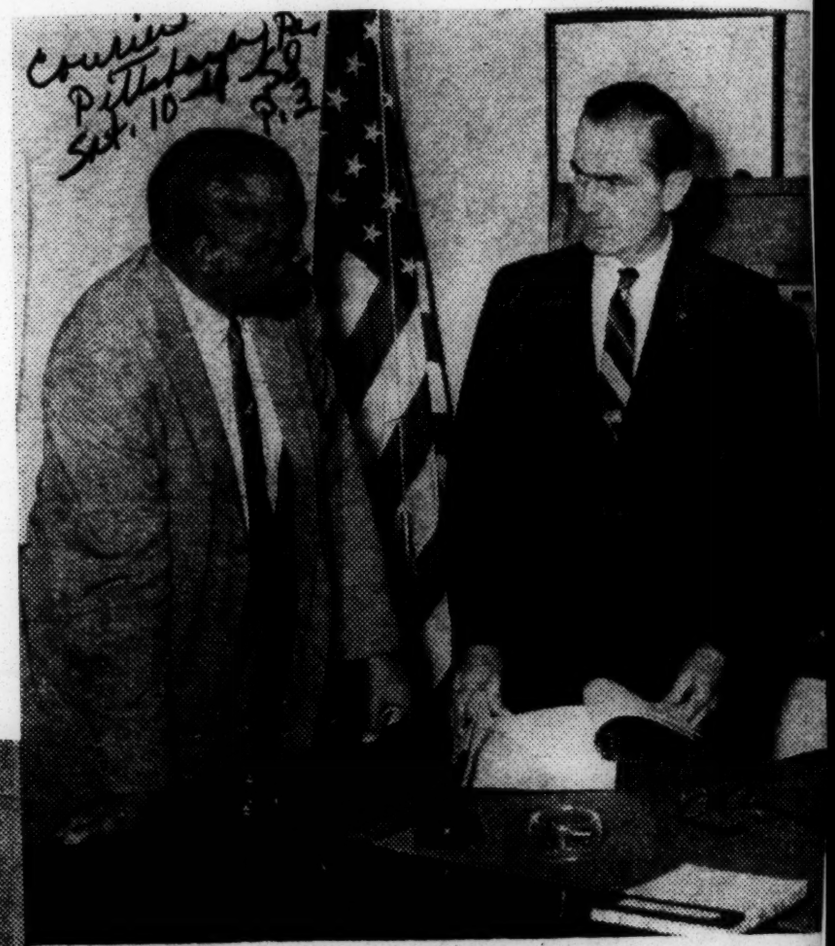
The second article in this series explaining how the commission operates as a fact-gathering body —through research, hearings, state advisory committees and otherwise — will appear in this newspaper next week.

Courier Pittsburgh, Pa. 4-58 Sat. 10 P. 2



Office Talk—Mrs. Vivian Bullock, Washington, D. C. (left) discusses a matter with Mrs. Carol Renner Arth, Redlands, Calif., executive secretary to the Commission on Civil Rights. Mrs. Bullock is secretary to staff director Gordon M. Tiffany.

Courier Pittsburgh, Pa. Sat. 10-11-58 P. 2



Book Reviewers—George M. Johnson, director of the Office of Laws, Plans and Research, and former dean of the Howard University Law School, reviews a state handbook with George M. Tiffany, staff director. Handbooks are compiled by the staff and furnished all members of the advisory committee being appointed in each state.

Rights Body Organizes State Advisory Groups

WOFFORD

(Editors Note: This is the second of three articles about the Commission on Civil Rights which the (Chicago Defender) is publishing to acquaint its readers with the new agency's program and scope of authority.)

WASHINGTON, D. C. — The Commission on Civil Rights is depending on hundreds of fair minded citizens in all 49 states for help in its study of America's number one human relations problem.

With a staff of less than 50 people, the Commission feels it needs the cooperation of these interested citizens, organized into State Advisory Committees, in order to do the kind of job expected of it.

While these advisory groups are being organized, the staff is studying and analyzing all available information about equal protection of the law and the right to vote.

This, of course, includes the laws regulations and policies of the Federal and State governments having to do with civil rights. The Act of Congress which established the Commission in 1957 provides that it shall

(1) investigate denials of the right to vote when it receives sworn complaints in writing;

(2) study and collect information about any government action which amounts to a denial of equal protection of the laws, and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws.

The Commission may also hold hearings "for the purpose of carrying out the provisions of this Act." It may issue subpoenas to compel witnesses to attend its hearings and testify, or to produce written or other matter pertinent to its inquiry.

But the main source of information and advice about civil rights matters may well be the Advisory Committees of from five to nine members appointed by the Commission in each State.

Committees will relay to the Commission any knowledge they have concerning denials or violations of civil rights within their respective States.

Upon request State Advisory They also may recommend changes in laws or government policies which they think are needed to protect civil rights within their States.

The Commission tries to make these advisory bodies in each State representative of all the citizens. Set up that way they can be most helpful in gathering valuable information about civil rights in their States.

Not only do the members of these State committees have first hand knowledge of the extent to which civil rights need to be protected in their areas, they also know of progress that has been made in the enjoyment of these rights by minority groups.

Thus they help to make possible a complete report on civil rights by sending the Commission information on both the progress and the problems in this field. Moreover, they provide for the average citizen a direct contact, at the local level, with the President's Commission in Washington.

These Committees may choose any areas of civil rights they wish on which to concentrate their studies. Nationally the Commission is giving first consideration to voting rights, education and housing, but it will study other fields if time permits or new circumstances suggest a change in directions.

The final article in this series, to be published in this newspaper next week, tells about the organization and personnel of the Commission.

NEGRO PLIGHT TERMED IRONIC

Prejudices in North, Too, Rights Chief Says

DARIEN, Conn. (AP) — Staff Director Gordon M. Tiffany of the Civil Rights Commission said Sunday night it is ironic that Negroes leaving the South may encounter elsewhere schools segregated in practice although not by law.

Tiffany said the Negro has been migrating in large numbers to the North and West in search of greater economic and educational opportunities and freedom from voting restrictions. Then he added: "Racial discrimination in housing prevents him from fully enjoying these opportunities.

GORDON M. TIFFANY

"The black belts of Negro houing areas now spreading in Northern and Western cities spell schools that are segregated in fact although not by law."

In a talk prepared for a meeting at the Darien Congregational church, Tiffany said racial discrimination in housing "spells slums and all the social demoralization that goes with them."

He attributed vast progress to the urban renewal program, but said there remain "many critical questions of discrimination."

Ministers Rally to Emergency Meeting in State Capital

By Don Gray

Negro ministers throughout California, are convening this week in Sacramento, in an emergency civil rights conference to meet the racial crisis in America.

Ministerial Alliances from Oakland, San Francisco, and the entire Bay Area as well as from Sacramento, San Diego and Los Angeles have adopted resolutions and agreed to convene the State-wide conference.

The official "Call" states:

"Negro churches have been bomber. Negro clergymen have been shot, beaten and intimidated Negro children have been persecuted, school doors have been closed in their faces. Ku Klux Klan groups have been re-organized. White Citizens Councils have enlisted governors, attorneys general, mayors, chiefs of police, judges and public officials in a do or die war against integration and equal rights. The law of the Land has been made clear by the Supreme Court, and the lawlessness of the Dixiecrats has been made clear by Faubus in Little Rock!

In the Name of God and all that is Holy and Eternal, Men of God must rise up and cry out against injustice.

Rev. E. Major Shavers, Rev. G. Chilton Christian, Rev. William Webb, Rev. R. A. G. Foster, and Rev. John Bain serve as Regional Planners. Elected as representatives of their fellow ministers are: Rev. Roy Nichols, Rev. Asa Davis, Rev. Joseph Williams, Rev. Grandison M. Phelps and Rev. Jerry Ford. Each has accepted preliminary programming assignments.

Rev. F. D. Haynes, Rev. B. O. Byrd, Rev. Charles H. Hampton, Bishop R. R. Wright, Bishop J. D. Cauthen, Bishop E. L. Lewis, and Bishop Samuel Crouch are Honorary Chairmen. Rev. Maurice A. Dawkins is Co-ordinator of the Planning Committee.

Host of the conference is Rev. G. Chilton Christian, 2761 Santa Clara Way, Sacramento.

The two-day meet, beginning Thursday, Oct. 16, at 9 a. m. and concluding Friday at 12 p. m. will hold five separate Workshop sessions on:

(1) School Desegregation - Little Rock - Persecution of children; (2) Violence and Attacks on Churches and Clergy in the South; (3) New Facts on Housing Segregation in the West. (4) Fair Employment Practices and Right-to-Work Laws; (5) The Minister's Social Responsibility:

Non-violent, Direct Action

Registration and Voting Campaigns

Financial Aid for Freedom Fighters on the South's Front Lines.

Keynote speaker will be Rev. Ralph Abernathy, Vice President of the Montgomery (Alabama) Improvement Association. Over 300 ministers are expected at the historic conference, representing one-quarter million church members.

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Advisers To Civil Rights Commission To Be Named

S. C. Group Is Being Studied

By W. D. WORKMAN JR.
Capital Correspondent

COLUMBIA—South Carolina advisers to the Civil Rights Commission will be named in the near future, but probably not during the original target month of October, a commission spokesman said here Monday.

Henry M. Shine Jr., an official of the commission, disclosed Monday while in Columbia that the commission was still studying recommendations for South Carolina appointees in an effort to get statewide representation from varying walks of life.

POINT EMPHASIZED

He emphasized the commission's determination to avoid appointment of "extremists" on either side of the touchy segregation issue.

Shine also stressed the role of the State Advisory Committee as a "fact-finding agency," one which would not be charged with "snooping" on its fellow South Carolinians or its membership.

MISUNDERSTANDING

At the conclusion of investigations and with the concurrence of the Civil Rights Commission itself, the names of the South Carolina Advisory Committee members will be announced from Washington.

Shine explained that a mutual misunderstanding of procedures accounted for last month's disclosure that Dr. T. C. McFall, Negro physician of Charleston, was being appointed.

That disclosure, made in this newspaper, was premature in the eyes of the Civil Rights Commission, although Dr. McFall was acting in good faith when he replied to an inquiry concerning his status.

Segregation Covers More Than South, Tiffany Says

DARIEN, Conn. (AP)—Staff Director Gordon M. Tiffany of the Civil Rights Commission said Sunday night it is ironic that Negroes leaving the South may encounter elsewhere schools segregated in practice although not by law.

Tiffany said the Negro has been migrating in large numbers to the North and West in search of greater economic and educational opportunities and freedom from voting restrictions. Then he added: "Racial discrimination in housing prevents him from fully enjoying these opportunities.

The black belts of Negro housing areas now spreading in Northern and Western cities spell schools that are segregated in fact although not by law."

In a talk prepared for a meeting at the Darien Congregational church, Tiffany said racial discrimination in housing "spells slums and all the social demoralization that goes with them."

He attributed vast progress to the urban renewal program, but said there remain "many critical questions of discrimination."

"We need to go forward with the courage of our convictions to create truly open and democratic communities. Any community that does this will become healthier, happier and more genuinely beautiful in the process," Tiffany said.

Tiffany is staff director of the commission set up by Congress last year and charged with investigating complaints of racial discrimination. The commission is to report back to Congress and the President.

Negro Physician To Va Civil Rights Commission

WASHINGTON, DC- (NNPA) — The Civil Rights Commission, in naming the Virginia Advisory Committee Monday followed the same pattern it has followed in the selection of three other state advisory committees of giving only token recognition to colored people.

The seven-member Virginia committee includes one colored person- Dr L C Downing, a physician, of Roanoke, Va.

None of the other committees named so far, Texas, Indiana and Florida- includes more than one colored person on its membership.

The Virginia committee also includes one outspoken segregationist, J Maynard Magruder of Arlington County, who was a member of the Virginia General Assembly at the time of the special session in 1956. He voted for the "massive resistance" program of the Byrd machine, which was designed to keep Virginia's public school schools lily-white despite the Supreme Court decision outlawing racial segregation.

Magruder has thrice been repudiated at the polls by Arlington County voters.

The other members of the Virginia Advisory Committee- picked by former Gov John's Battle of Virginia, a member of the Commission and approved by the Commission— are:

J Randolph Tucker, Jr, Richmond lawyer, chairman, Mrs Mary Frances Rogerst Hartz, Waverly, Va. former president, Virginia Federation of Women's Clubs; Floyd Lambreth, Galax, Va. Republican, State Senator; Herbert Gerst, attorney, Norfork; W C Daniels, Maynard Magruder of Arlington or Herbert Gerst of Norfolk, Tucker said.

past Nat'l Commander of American Legion.

Civil Rights Group Named In Maryland

Mrs. Robert W. King of Bethesda, Md., and five others were appointed by the Federal Commission on Civil Rights yesterday to the Commission's Maryland Advisory Committee.

Mrs. King, of 8912 Mohawk lane, is a housewife and a past president of the "Maryland division of the American Association of University Women.

Other committee members are: State Senator Harry A. Cole of Baltimore; John H. Fischer, superintendent of public instruction for the City of Baltimore; Maxwell Greenwald of Hagerstown, a retired merchant; F. De Sales Mudd of La Plata, attorney and board chairman of the County Trust Co. of Maryland and Physicians Memorial Hospital in LaPlata; and Dr. John T. Williams, president of Maryland State College at Princess Anne, Md.

Meanwhile the Virginia State advisory committee to the Civil Rights Commission invited suggestions or recommendations about violations of civil rights in voting and higher education.

Chairman J. Randolph Tucker Jr. said information about voting rights should be sent to either W. C. Daniel of Danville or Dr. L. C. Downing of Roanoke.

Information about higher education should be sent to J.

Civil rights issue given top billing

By LOUIS LAUTIER

WASHINGTON (NNPA) — The two major political parties played the civil rights issue right down to the opening of the polls on election day.

In the South, racial segregation was the big issue on which candidates from constable to the U.S. Senate were swept to victory in Democratic primaries in areas where the primary constitutes the real issue.

But the Democratic National Committee, which made a determined fight to hold the colored vote in the North, was holding up the Democratic party as the party of civil rights.

* * *

ON THE other hand, the Republican National Committee lashed out at southern control of key House and Senate committees in an effort to woo colored voters, charging:

"The recent wave of religious and school violence by the lunatic fringe. . .squarely at the door of Democrat Governor (Orval) Faubus of Arkansas)."

Somewhere in between these extremes lies the truth about both political parties and their attitudes and records on civil rights.

Chairman Meade Alcorn of the Republican National Committee Friday released for publication an exchange of correspondence with Chairman Paul Butler of the Democratic National Committee.

* * *

IN A LETTER of Oct. 29, Mr. Butler took Mr. Alcorn to task for repeating over a national television network "the false charge that former President Truman told a Democratic Congressman from Alabama in 1948, 'I don't believe in this civil rights program any more than you do but we've got to have it to win.' "

Mr. Butler directed Mr. Alcorn to Mr. Truman's denial at a press conference here on Oct. 18:

"Well, it just isn't true. It couldn't possibly be true because at that time as you remember I was getting out a booklet which is the fundamental basis of equality of education and the economic equality of this country to implement these rights.

"And that book is still in existence. That's what I believed then and that's what I believe now and there isn't any difference in it."

* * *

MR. TRUMAN was referring to the report, "To Secure These Rights," made by his Civil Rights Committee.

Mr. Butler wound up his letter by urging Mr. Alcorn to respect Mr. Truman's denial just as he, Butler, had respected Alcorn's denial that "your assistant national chairman, I. Lee Potter, spoke for your national party when he said that the Republican party is for segregation."

"You have claimed that Potter only meant that the Republican party is for segregation in Virginia," said Butler, adding, "I accept that as meaning that the Republican party stands one way on this issue in the South and the other way in the North."

* * *

ALCORN REPLIED with a scorcher. If Mr. Truman made the Oct. 18 statement, said Mr. Alcorn, "he has charged that his fellow Democrat, Rep. Frank Boykin of Alabama, has told an untruth and Mr. Boykin is not going to appreciate that."

Mr. Truman's 10-year delayed denial, Mr. Alcorn said, "coming as it does in the midst of a campaign sounds like a purely political dodge to me."

He added that it was as weak as Butler's recent repudiation of Gov. Orval Faubus, "the man you were praising a year ago."

Mr. Alcorn attached to his letter reproductions of newspaper clippings quoting Boykins statement that Truman told him he did not believe in the civil rights program any more than the Alabama Congressman.

* * *

ALCORN CLOSED his letter by telling Butler that he can make the same speech on civil rights in Little Rock that he can in Chicago, and did so in the campaign.

Alcorn also released Friday four research studies which, he said, "document the shoddy Democrat record on civil rights."

The four documents were "The Faubus Flip-Flop," "The Third Party Turnabout," "The Sparkman Blunder," and "Democrat Civil Rights Plank a Myth."

This press release brought from Butler the retort that Alcorn's "research on civil rights is as scanty as the Republican record of real accomplishments in that field."

Commenting on the release, Butler said: "Mr. Alcorn today addresses himself to the North and says that his party is a strong party on human rights. That is not the story Mr. Alcorn was telling in Little Rock this September."

Action on Civil Rights

For the most part the struggle against racial discrimination in the South has been fought largely in the courts on the initiative of private individuals, primarily Negroes. The Federal Administration generally has not played an active role. Recently, however, the Federal Government has moved to take the initiative. Last week this was demonstrated in two cases in Alabama. These were the details:

Voting Rights. United States Public Law 85-315, known as the Civil Rights Act of 1957, established the Civil Rights Commission. It empowered that body (1) to investigate complaints that the right to vote is being denied to persons for reason of "color, race, religion or national origin," (2) to hold public or private hearings when and where needed, (3) to subpoena witnesses and records for such hearings.

Last month the Commission asked for the records of the registration board in Montgomery County following charges by Negroes that the board had barred them from registering to vote. The board refused to surrender its records to the Commission on the advice of State Attorney General John Patterson, who contended that under Alabama law the lists were "not public records." Last week the Commission ordered a public hearing in Montgomery for Dec. 8 and announced that it would use its powers of subpoena to obtain the records. Thus a test of Federal vs. state power is in prospect.

Arrest. Section 242 of Title 18 in the United States Code, adopted in 1870 at the height of the Reconstruction period, makes the willful "deprivation of any rights * * * by reasons of * * * color or race" a misdemeanor punishable by one year in prison and a $1,000 fine.

On Oct. 27 police in Birmingham arrested three Negro ministers from Montgomery who were visiting the home of the Rev. F. Luther Shuttlesworth, a leader of the Negro campaign there against segregation in public buses. The three were booked on vagrancy charges and held for several hours; then the charges were dropped and they were released. Mr. Shuttlesworth was given a ninety-day jail sentence and fined $100 for violating a Birmingham law that empowers the bus driver to arrange for the seating of passengers—with the purpose of maintaining racial segregation. His three visitors complained that their rights had been violated. Federal agents who sought to investigate the charges were rebuffed by Birmingham Police Commissioner Eugene Connor, who refused to discuss "any phase of the matter."

Inching Ahead on Civil Rights

The two principal agencies of the Federal Government primarily concerned with protection of civil rights both showed signs of intense activity this week, to the undoubted benefit of civil rights but also to the possible confusion of the public.

The Department of Justice is pushing ahead on civil rights cases under the 1957 law and also under older and more limited statutes. For example, Attorney General Rogers said yesterday he had ordered a grand jury investigation of a possible civil rights violation in the recent arrest of Negro ministers in Birmingham, Ala. It has long been a Federal criminal offense to deny civil rights "under color of law," as for example by making false arrest for purposes of intimidation. If the Birmingham authorities did this they are subject to indictment and trial in the Federal courts. The Civil Rights Act of 1957 is being used in a suit to enjoin officials of a county in Georgia from denying Negroes their voting rights. This case will come to trial in January, the first such action under the new law.

The other channel through which the Federal Government is slowly moving ahead on the civil rights battle is via the Civil Rights Commission, an investigatory and fact-finding body that is only now really getting under way. It will hold its first public hearing on alleged vote discrimination in Alabama on Dec. 8. It announced this week that it would use its subpoena powers if necessary to procure local voting records, which may yet have to be forced out of a defiant State's Attorney General by the courts. In February the commission is also going to hold hearings, which we welcome, on housing discrimination here in New York; and in the same month it will convene a national conference on school integration in Nashville.

The commission's purpose is not to "build up a case," at least in the legal sense. Its aim is to make recommendations to the President and Congress as to what further legislation, if any, may be needed to guarantee to every citizen equal protection of the laws. In the limited time—less than a year—still available to it the commission has a heavy task which it will be expected to pursue with initiative and vigor.

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Citizenship In A Democracy

Now that a new civil rights bill has been introduced in Congress, the whole concept of citizenship together with the constitutional interpretation of the 14th Amendment will once more come for wide discussion and political speculations.

In point of objective reality, the new measure is a reaffirmation of the principles which were incorporated in the Administration's original draft but which were tragically emasculated by an unholy coalition of conscienceless politicians in the U. S. Senate.

Whether the attempt at re-enforcing the legislative structure of the 1957 Civil Rights Act will receive the blessings of the lawmakers, remains to be seen. As it now stands, the Act has given rise to a sickening succession of hotly contested legal battles.

Outright nullification statutes, pupil placement schemes, provisions to close or withdraw all state funds from any school which is desegregated, support for a private school system if necessary, criminal penalties for spending tax monies on desegregated schools, loss of retirement benefits for failure to enforce segregation, power to suspend compulsory attendance laws, and interposition statutes are some of devices which have been adopted by the segregationists.

But America cannot continue to preach democracy to the uncommitted countries, and herald the glory of her institutions while withholding legitimate rights from her Negro citizens. This is not only a constitutional wrong, it is equally a moral wrong which must be redressed before the American dream of global leadership can find satisfying fulfillment.

Satellites Or Civil Rights:

The Opinion Research Corporation of Princeton, N.J., reports that before the Russian satellite, preponderance of the general public felt the most important problems facing the nation were:

¶ Inflation.

¶ Keeping out of war.

¶ Segregation.

Now, a few short months later, the biggest segment of the population regards the following as paramount concerns:

¶ Catching the Russians in the defense race.

¶ Training more and better scientists.

This is the opinion of the nation a whole. A regional breakdown, unfortunately, reveals the South—white and Negro—still places the race issue first by a considerable margin, Russia second.

Two Charges Dropped In Rights Trial

FLORENCE (AP) — The defense had its civil rights case against Horry County Sheriff John Henry and eight deputies narrowed somewhat Wednesday as prosecutors volunteered to drop two charges against two of the deputies.

Assistant U. S. Atty. Arthur Howe moved to find Deputy J. D. Stanley innocent of a charge that he deprived John Leonard Ford, Negro, of his civil rights by beating him.

Howe also moved to dismiss charges that Deputy Roy Huggins similarly beat Bobby Spivey, white Conway grill operator on the grounds this case was in litigation in a state court.

There are still charges of depriving prisoners of civil rights by beating them, however, remaining against all eight deputies and Henry.

In the series of indictments against the nine, four prisoners, three Negro and one white, were named.

Defense attorneys failed in a series of moves for directed verdicts of innocent for all defendants, but Judge Ashton H. Williams did agree to take under consideration a move to dismiss a charge that Odell Floyd beat Negro night club operator Cleo Patrick.

After the government rested its case, Stanley took the stand in Federal Court to testify that he had been beaten by Ford and was hospitalized for a week.

The state charges Ford was beaten by other deputies in retaliation. Dr. Henry C. Brooks Jr. of Conway testified he was on duty at Conway General Hospital when Ford was brought in with scalp wounds and other bruises.

Myrtle Beach Police Chief W. C. Newton followed, testifying he joined deputies in the search for Ford after the beating of Stanley in the nightclub on an October Saturday night in 1956.

Newton told of picking up for questioning a Negro girl named Rebecca Jefferson who earlier had testified Henry was the man who picked her up.

Recalled to the stand, she repeated the testimony.

Vernee Floyd, slightly built Negro, took the stand to single out Deputy Roy Huggins as the man who took him to a first floor room in the jail in Conway and beat him.

Floyd said Huggins knocked him against the wall, pushed him down on a cot and mauled him. He displayed a scar from an eye cut.

Floyd said he had witnessed a fight at a Negro nightclub run by Cleo Patrick between John Leonard Ford, Negro, and Deputy J. D. Stanley.

Testimony that the deputies had later beaten Ford was heard Tuesday.

Ford said two Horry deputies called on him the day after the fight between Ford and Stanley. He said they "just busted in" without knocking.

He told the court he knew nothing about a pistol and blackjack belonging to Stanley and was cursed and called a "liar."

Floyd also said Henry refused to get him a doctor after the beating, telling him he didn't need one.

He testified he signed a statement for the Horry officers "because I was scared."

Cite Congress For Passing Rights Bill

WASHINGTON (INS) — B'nai B'rith presented its annual America's Legacy award last night to the 85th Congress of the United States "for its passage of the first federal civil rights legislation in 82 years."

President Eisenhower, in a leter to the Jewish organization's anti-Defamation League, praised the rights measure and expressed hope that the civil rights commission set up by the law would prove an "example of moderation and understanding" in carrying out its mission.

Mr. Eisenhower won the award in 1953.

Senators William F. Knowland (R) Calif., and Hubert Humphrey (D) Minn., accepted the award for the upper chamber.

Congressmen Kenneth B. Keating (R) N. Y., and Emanuel Celler (D) N. Y., received it for the House of Representatives. Some 200 Congressmen attended the ceremonies.

The honor is accorded an individual or group each year for "distinguished contributions to the enrichment of America's democratic legacy."

Hutchins Hits Apathy on Civil Rights

CLEVELAND, March 22 (AP) Americans are not interested in civil liberties any more because industrialism is producing men "who are not free in any real sense and who may not even want to be free," Robert M. Hutchins, president of the Fund for the Republic, said today.

Hutchins told the Cleveland City Club that the search for peace of mind, security and success is making Americans into conformists who are "seldom much interested in freedom and justice for other people, including other Americans."

"We may say that the aim of industrialization is to get rid of men altogether, except as consumers," Hutchins said, "and to make them interchangeable parts of the industrial machine.

"But the interchangeable man is not a man. Since he is not, freedom and justice are of little importance to him."

The former president of the University of Chicago said the Bill of Rights "appears to concern only those who find they can make some personal use of it."

"Editors, publishers and broadcasters are interested in the First Amendment because under this banner they may be able to extort more news from the Defense Department and send reporters to China," he said.

But most of them, he said, "with some honorable exceptions," are not interested in other amendments "or even those parts of the First Amendment which do not mention them" and have "customarily condemned those who plead the Fifth Amendment and have deprecated the suggestion that a fair trial might require the elimination of cameras from the courtroom."

He said, "Eccentric sects like Jehovah's Witnesses are interested in the freedom of religion, but they are not much interested in the freedom of the press or any of the rest of the Bill of Rights.

"Communists and other people likely to be investigated by Congress are interested in the Fifth Amendment, but not in the freedom of the press, or freedom of religion, or any other amendment."

Similarly, Hutchins said, criminals are interested in the Sixth Amendment but no others, and "extreme states' righters are interested in the Tenth Amendment, but not in the First, Fifth, or Sixth."

"People who are not or who do not expect to be publishers, members of eccentric sects, Communists, criminals, or extreme states' righters are not likely to be much interested in civil liberties," he said. "In fact doubt has been expressed in the highest quarters that the Bill of Rights could be adopted today."

The American Civil Liberties Union

Since the first World War there have been a number of organizations specializing in defense of one or another area of freedoms. The American Civil Liberties Union, however, is the only non-partisan, general and nationwide agency to maintain a consistent record of defending groups and persons threatened or injured in respect to civil rights, without sponsoring their ideas or programs. It went to the legal aid of unpopular but mutually opposed minorities, such as Jews and Ku Klux Klan, when either group was attacked by "un-American" methods. It defended the legal rights of communists, but excluded communists from its own executive board on the ground that they endeavored to use the organization as a means to partisan goals inconsistent with the impartial liberalism of the organization's avowed policy. One principle underlying its policy, traceable to Locke, Montesquieu, Madison, Jefferson, Holmes and Brandeis, is that words alone do not constitute an overt act, and that speech is immune unless it creates imminent danger of a serious overt act.

—ENCYCLOPAEDIA BRITANNICA
1955, Vol. 5, P-743C

INTERFERENCE CHARGED

Grand Jury Hits Civil Rights Chief

MINDEN, La., March 20 (AP)—A grand jury today accused W. Wilson White, U.S. assistant attorney general in charge of civil rights, of interfering with its work.

The Webster Parish (county) Grand Jury also indicted M. M. Coleman, Minden Negro funeral director, for attempted intimidation of a public official and found Mrs. Winice P. Clements, parish vote registrar, has been conducting her office in accord with state laws.

The grand jury reported to District Judge James E. Bolin on its probe of FBI agents' conduct in a federal investigation of Mrs. Clements' office.

The report said Coleman attempted to "commit the crime of public intimidation . . . by attempting to use a threat upon Louisiana State Sen. Herman Jones. . . ."

Jones told the jury earlier that Coleman threatened recently to "go to the federal government" after being told that only qualified Negroes would be permitted to register to vote.

Six FBI agents connected with the federal probe of Mrs. Clements' office testified before the grand jury. The federal probe had been ordered by White.

"In connection with our inquiries," the jury report said, "we caused the appearance of several agents of the Federal Bureau of Investigation before our body, and it appears that but for the interference of White, these agents would have cooperated with this investigation.

"But because of the interference of. . . . W. Wilson White," it continued, "several of the agents did not give important information which would have aided this investigation."

Rights surrender bill is recalled

WASHINGTON (NNPA) — The House was requested Tuesday to return to the Senate a bill which would surrender Federal legislative and judicial authority over land within state boundaries now used for Federal purposes.

Opponents of the measure declare that it would amount to Federal surrender to the states of the authority to protect the civil and other rights of individuals and groups on such Federal lands.

The request for the return of the bill was made after Sen. Hubert Humphrey, (D., Minn.) obtained unanimous consent Monday to enter a motion for reconsideration of the measure.

After the motion for reconsideration was entered, Humphrey then obtained unanimous consent that the House be requested to return the bill.

* * *

HUMPHREY HAD charge of the bill when it went through the Senate last March 3 without debate and without a roll-call vote.

Criticism of the bill reached Humphrey, a champion of civil rights, and he set in motion efforts to have the Senate reconsider the vote by which it was passed.

The bill provides that the Federal Government shall not receive or retain any of the states' legislative jurisdiction with respect to qualifications for voting, education, public health and safety, taxation, marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property, which the states normally control.

It would authorize the head of any Federal agency to relinquish to the state, in which any Federal lands or interests are situated and are under his control such measure of legislative jurisdiction over such lands or interests as he may deem desirable.

THE NAACP and other civil rights groups feared that return to the states of jurisdiction over Federal lands would remove from Federal jurisdiction the area in which the greatest progress has been made in the field of civil rights.

It was feared that the Jim Crow states might attempt to enforce racial segregation in schools on military reservations, airports, Veterans' Administration hospitals, facilities such as cafeterias, restrooms and drinking fountains in Navy yards, public parks, and federal buildings such as courthouses and post offices; arrest mixed couples living on military reservations for alleged violation of their miscegenation laws, and harass colored persons on federal property in other unforeseen ways.

A companion bill, introduced by Rep. DeWitt S. Hyde, Rep., Md., is pending in the House Government Operations Committee, of which Rep. William L. Dawson, of Illinois, is chairman.

MODERATES RULE TEXAS DEMOCRATS

Rout Liberals at Convention —'Shivercrats' Join With Johnson-Rayburn Team

By GLADWIN HILL
Special to The New York Times.

SAN ANTONIO, Tex., Sept. 9—Insurgent liberal Democrats, allied with the northern wing of the national party, were swamped by a moderate coalition at the biennial Democratic state convention today.

This suggested that Texas Democrats in 1960 would not bolt again to the Republican Presidential candidate, but would resist acceptance of liberal national candidates and planks, particularly in respect to civil rights.

The convention was dominated by an alliance of erstwhile pro-Eisenhower "Shivercrats" and middle-roaders formed in 1956 by the party's two Congressional leaders, Senator Lyndon B. Johnson and Representative Sam Rayburn, Speaker of the House. The "Shivercrats" got their name from former Gov. Allan Shivers, a leader of the Texas swings to General Eisenhower in 1952 and 1956.

Loyalty Emphasized

A watchword of the moderate coalition is party "loyalty," meaning support of state and national candidates. Another moderate tenet is opposition to the liberal faction. Adoption of the loyalty principle tended to neutralize a main argument of the liberals. Presumably it precludes organized defections as occurred in 1952.

Organized as "Democrats of Texas" and generously financed by labor organizations and other Northern sources, the liberals are regularly denounced as "a tool of the C. I. O. and the National Association for the Advancement of Colored People."

The nonpartisan N. A. A. C. P. has disclaimed any connection. There has been some voluntary school integration in Texas, but sentiment against eradication of racial barriers is strong.

The moderates' main convention achievement was consolidating control of the sixty-two-member state executive committee. The new membership will select Texas' delegation to the 1960 national convention and shape policies.

Mr. Johnson will be the major voice in the delegation. With his prestige as party yeader and with Texas's large block of twenty-four electoral votes in his pocket, he would be influential in national party decisions, particularly in reconciling regional differences on civil rights. His stature as a Presidential possibility was hinted at today.

Yarborough an Exception

The liberals' eclipse was a sequel to the party's July 26 primary, in which conservative candidates for public and party office generally won. The notable exception was the renomination—equivalent to reelection—of Senator Ralph W. Yarborough, liberal standard-bearer.

Neither Mr. Johnson nor Mr. Rayburn were present at the convention, but they had a hand in the managing. The nominal star was their conservative ally, Gov. Price Daniel.

The first liberal-moderate test came on the election of a temporary convention chairman. Representative Frank Ikard of Wichita Falls, the Johnson-Rayburn choice, got 2,956 votes to 1,788 for the liberal nominee, District Judge James Sewell of Corsicana. Convention votes are allocated among the State's counties on the basis of the Democratic vote in the last gubernatorial election.

The chairmanship vote was in part a tribute to Judge Sewell, a political patriarch who was blinded in World War I. A more accurate gauge of the liberals' strength was their apparent domination of less than ten of the thirty-one state Senatorial districts, each of which gets two seats on the party executive committee.

Amid appeals for harmony, Governor Daniel urged the schismatic liberals, whose sparkplug is Mrs. R. D. Randolph, national committeewomen, at least to abandon their confusing "Democrats of Texas" title under threat of "appropriate action" by the party proper.

The atmosphere was bereft of the rebellious spirit that led a majority of Texas Democrats in the name of "states' rights," to spurn the party's Presidential nominee in the last two elections.

Texas's small Republican party held its convention today in Wichita Falls. It has token candidates for Governor and Senator in the November general election. However, it is counting on holding its lone Congressional seat, that of Representative Bruce Alger of Dallas, and perhaps making a showing in one or two other contests.

10 1958

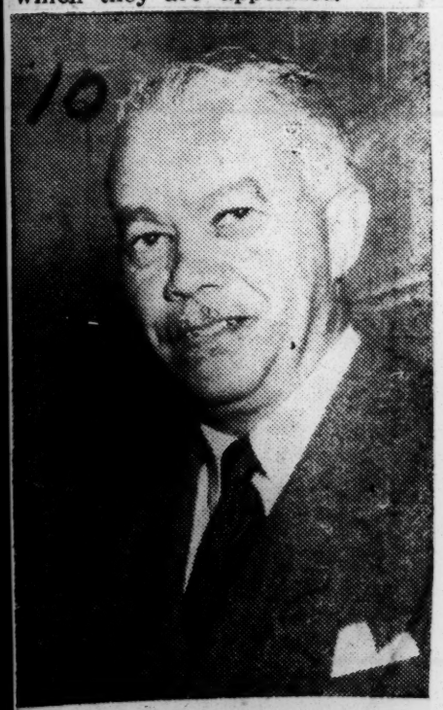
Paul Williams named to civil rights advisory body

Paul R. Williams, Los Angeles architect, has been named by the President's Committee on Civil Rights to its 9-member California Advisory Committee. Also named are Ignacio E. Lorenzo, Jr., publisher of the Spanish language newspaper La. Opinion, and Mas (re-Statow, of San Francisco, national director of the Japanese American Citizens League.

Chairman of the committee is Dr. Robert G. Sproul, Berkeley, president emeritus of the University of California.

Other members are John A. Despol, of Los Angeles, secretary-treasurer of the CIO; Dr. Mabel Kinney, Los Angeles, member of the State Board of Education; Joseph Ridder, publisher of the San Jose Mercury, and Louis A. Rozzoni, Berkeley, president of the California Farm Bureau Federation.

Similar advisory committees are being appointed in every state. Upon request of the Commission, advisory committees advise the Commission of any deprivation of the right to vote and to have the vote counted by reason of color, race, religion or national origin within the state or territory, to which they are appointed.



PAUL R. WILLIAMS

GUEST SPEAKER -- The Guild of the Urban League of Greater New Orleans will present Mrs. Cora Jordan White, Columbus, Ohio, lecturer and guest speaker on Monday, December 1, at 8 p.m. at St. John Institutional Missionary Baptist Church, 2538 Jackson Avenue. Mrs White was guest consultant for the Guild's Institute held here last May and has been invited for a second appearance in less than six months by popular demand. She is a charter member of the Columbus Recreational Commission, a trustee of Wilberforce University, and a member of the Ohio Civil Rights Commission. "What, In Thy Hand, What in Thy Hand" will be the topic of her talk. Reservations may be made through the office of the Urban League, 504 Carondelet, announced Mrs. C. L. Dennis, Guild president.

3 Negroes On Civil Rights Committees

WASHINGTON, D. C. (SNS) — Dr. John A. Hannah, chairman of the Commission on Civil Rights and president of Michigan State University, Monday announced the selection of three Negro members to two of the commission's eastern state advisory committees.

Added to the Maryland Advisory Committee were State Senator A. Cole and Maryland State College President John T. Williams. They were among the six persons named to the advisory committee from the state of Maryland.

In West Virginia, Mrs. Cerelle H. Warfield, an instructor of Spanish and speech at Bluefield State College, Bluefield, West Virginia, was named to that state's civil rights advisory committee.

State Senator Cole, an attorney, has also served as Assistant attorney general of Maryland, substitute trial magistrate and justice of the peace. He is a former member of the executive committee of the U. S. National Commission for UNESCO.

Dr. Williams, a former All-American end at Langston University in Oklahoma, has been president of Maryland State College at Princess Anne since 1947. Before his appointment at the Maryland school, he was dean and registrar at Kentucky State College.

Mrs. Warfield, who will join four other prominent West Virginians appointed to the group, is a graduate of West Virginia State College. She earned an A. M. degree at Cornell University and has also studied at the University of Havana, Cuba, and the University of Minnesota.

This announcement brings to 18 the total of State advisory committees appointed so far. The Commission plans to have similar groups at work in each state before the end of the year.

10 1958

IN THE NATION'S CAPITAL

Rogers stagnates in civil rights field

IN A NUTSHELL

- **Attorney General Rogers lax in probing church, school bombings despite requests from liberals for action.**
- **Shoves aside requests with statement that "Federal Government has no jurisdiction."**
- **Rogers' "timidity" seen as detergent for respect of law and order.**

By LOUIS LAUTIER

WASHINGTON

Attorney General William P. Rogers apparently is determined either not to stick out his neck in civil rights cases or not to offend Senator James O. Eastland of Mississippi, chairman of the powerful Senate Judiciary Committee, and other Dixiecrat members of the Congress.

According to Senator Clifford P. Case, (R., N.J.) since January, 1957, there have been 47 attempted or actual bombings of religious institutions, schools, community centers and other property involved with the struggle to achieve civil rights.

The most recent bombings of the Jewish synagogue and the colored school in Jacksonville, Fla., and the abortive attempt to dynamite a synagogue in Birmingham, Ala., followed the pattern in earlier bombings of a synogogue in Charlotte, N.C., a synagogue in Gastonia, N.C., and Jewish centers in Miami.

* * *

IMMEDIATELY FOLLOWING the Jacksonville bombings, Mr. Rogers was implored to order an FBI investigation.

Rep. Kenneth B. Keating of New York, the ranking Republican member of the House Judiciary Committee, who often is the voice of the Justice Department on the House side, charged that there were evidences of "an interstate conspiracy to coerce and intimidate those who are in good faith and honesty attempting to carry out the Supreme Court decision concerning school integration."

"The interstate nature of the plots—the ability of the bombers to flee swiftly across state lines, prevents an effective crackdown," said Mr. Keating.

Rep. Emanuel Celler of New York, chairman of the House Judiciary Committee, also charged an interstate conspiracy covering thus far Florida, Alabama and Tennessee. He, too, requested Mr. Rogers to order an FBI investigation.

Sen. Jacob K. Javits, (R., N.Y.) and a number of other prominent individuals and organizations also urged Mr. Rogers to direct the FBI to investigate the bombings.

But before he hardly had time to read the numerous messages sent him concerning the bombings, Attorney General Rogers was stating that the Federal Government did not have jurisdiction in the Jacksonville bombings because no Federal law was involved and that unless a Federal law is violated the FBI has no jurisdiction.

Technically, Mr. Rogers may be correct, but other Attorneys General have not been so circumspect in their pursuit of criminals.

Certainly, it was the policy of Mr. Rogers' predecessor, former Attorney General Herbert Brownell, where there was probably Federal jurisdiction, to have the FBI investigate and, if it was found that no Federal law had been violated — in heinous crimes, at least — to turn the information over to the proper state officials.

THE TIMIDITY of Attorney General Rogers in the Jacksonville bombing cases certainly is not likely to create any great respect for law and order, just as his failure to direct prosecution of the rioters in the Little Rock school integration case gave encouragement to the element in that city who were couseling disobedience to the Supreme Court decision against school segregation.

Negro Editors' Role Described As Precarious

WASHINGTON (AP) — A Negro newspaper editor fighting for civil rights in the South was described Sunday as being in a "very precarious position."

William O. Walker, publisher of the Cleveland Call and Post and President of the National Newspaper Publishers Assn., NNPA, said persecution appears at all levels.

Such an editor and his newspaper, Walker told a news conference, "feel pangs of sanction which sap away their advertising revenue." He said running a Negro newspaper in the South today is "almost as perilous" as the time of Elijah Lovejoy, an abolitionist killed in Alton, Ill., in 1837 while defending his newspaper plant from a mob.

Walker's news conference preceded the opening tomorrow of a two-day "summit meeting" of Negro leaders, called by the NNPA to consider a wide range of subjects.

Unity of opposition to the Negro has made it mandatory to meet at the summit level to develop a program to bring to the Negro his legal rights," Walker said.

He said a similar conference has not been held since 1906, when an aftermath was organization of the National Association for the Advancement of Colored People, NAACP.

President Eisenhower is scheduled to address a luncheon meeting of the publishers tomorrow.

GRAND JURY IN SOUTH SCORES RIGHTS AIDE

MINDEN, La., March 20 (AP) —A grand jury today accused W. Wilson White, United States Assistant Attorney General in charge of civil rights, of interfering with its work.

The Webster Parish (County) Grand Jury also indicted M. M. Coleman, a Negro funeral director in Minden, for attempted intimidation of a public official.

It found that Mrs. Winnie P. Clements, vote registrar in the parish, had been conducting her office in accordance with state law.

The grand jury reported to District Judge James E. Bolin on its investigation of the conduct of Federal Bureau of Investigation agents who had studied Mrs. Clements' office. Mr. White had ordered the inquiry.

The report said Mr. Coleman had attempted to intimidate State Senator Herman Jones by threatening to "go to the Federal Government" after he had been told that only qualified Negroes would be permitted to register to vote.

Six F. B. I. agents connected with the investigation of Mrs. Clements' office testified before the grand jury.

"Because of the interference of W. Wilson White," the jury said, "several of the agents did not give important information which would have aided this investigation."

Civil Rights Unit Huddles In Jig Time

WASHINGTON (UPI)—The new Civil Rights Commission meets today less than 24 hours after Gordon M. Tiffany, former attorney general of New Hampshire, was sworn in as its first staff director.

President Eisenhower watched the swearing in ceremony Monday at the White House. The President nominated Tiffany, 45, a Republican, for the post in February.

Southern Democrats delayed his confirmation by the Senate until last month. He will be paid $22,500 a year. The commission was created by last year's civil rights bill to investigate alleged violations of citizens' rights.

The Senate Monday approved the full $750,000 the President asked for the commission. The money bill containing the funds now goes to a joint conference committee to iron out differences between the Senate and House versions.

Rights Leader Reminds Eisenhower of Pledge

By the Associated Press

A civil rights proponent said today President Eisenhower should carry out a 1952 campaign pledge to meet with the Nation's governors and press for state action on fair employment legislation.

Dr. Paul Cooke, executive director of the American Council on Human Rights, said this in a few hours before President Eisenhower was scheduled to address a "summit meeting of national Negro leaders."

Dr. Cooke told the group meeting at the Raleigh Hotel that Mr. Eisenhower "has done a great deal in his six years (in office) to erase color lines and to extend opportunity."

Pledge Made in 1952

"But the American Council on Human Rights reminds the President of a 1952 campaign pledge that he has failed to carry out." Dr. Cooke said.

"His campaign pledge, made at the time he declared he could not support Federal fair employment legislation, was that he would meet with the State governors—and it is with the Southern Governors particularly that he must meet—and to persuade the governors to make the fight in the States for fair employment legislation and practices. This he has not yet done.

"But this he can do in these two years."

The American Council on Human Rights describes itself as a group of national fraternities and sororities working for the extension of civil rights through social action and education.

Purpose of Meeting

The two-day meeting was called by the National Newspaper Publishers Association. Its stated purpose is to consider a wide range of problems confronting Negroes, including civil rights, housing, moral and cultural standards and other matters.

Dr. J. H. Jackson, president of the National Baptist Convention, said "We must face frankly all of our failures and shortcomings as a people." Among otoher things, he said in his prepared speech, "Let us set ourselves to the task of reducing crimes of all kind within our neighborhood."

Urging "racial togetherness," Dr. Jackson said:

"In the past our racial solidarity has been most evident when we have faced the fight against segregation and discrimination, but when we are called to battle on other fronts we become divided . . ."

DOUGLAS BIDS PRESS LEAD ON CIVIL RIGHTS

Supreme Court Justice William O. Douglas called on educators and the press yesterday to provide leadership in strengthening civil rights.

Justice Douglas said he was shocked at the results of polls indicating that many Americans did not accept all the provisions of the Bill of Rights. He said that they disclosed that less than 2 per cent of the persons interview agreed with all the provisions of the Bill of Rights.

"Once we give up piece by piece a little of the First Amendment," he said, "a bit of the Fourth, some of the Fifth, and so on, we start down the totalitarian path."

Justice Douglas spoke at the Pierre Hotel at a luncheon sponsored by the Magazine Publishers Association.

The annual Benjamin Franklin Awards of the University of Illinois for free-lance magazine writing were given to John Bartlow Martin, Eugene Kinkaid, Keith Wheeler, Bill Davidson, David D. Rutstein, Walter Clemons and Max Kramer. Popular Science magazine won an award for distinguished public service.

Civil Rights Group Calls For Three-Point Inquiry

WASHINGTON (AP)—The federal Civil Rights Commission Tuesday directed an immediate inquiry into three broad fields of civil rights — voting, education, and housing.

It put off a decision whether to investigate alleged mistreatment of Negroes at or near Dawson, Ga., by police officers, pending receipt of complaints.

Gordon M. Tiffany, commission staff director, said the fact-finding inquiry would be conducted in conjunction with advisory committees in the various states.

The inquiry, Tiffany said, will not be directed toward any particular area. He said it would be conducted under commission authority to collect information regarding legal developments that constitute a denial of equal protection of the law.

As for the Dawson, Ga., matter, Tiffany said the commission had before it only a story by a Washington Post and Times Herald reporter relating how two Negroes died after brushes with the police and a third suffered gunshot wounds in incidents occurring over the last few months.

Tiffany said the commission decided it would determine what action to take when and it complaints are filed.

He said the commission would not consider rumors, but would like to hear from those having direct knowledge of the alleged mistreatments.

The reports of brutality toward Negroes were denied Tuesday by Dawson's mayor, V. L. Singletary, and two Negroes of the town, Tom Moore, an undertaker, and E. E. Sykes, principal of Carver High School.

Rights group plans nationwide study

WASHINGTON, June 11—(AP)—The government's new Civil Rights Commission is launching a nationwide study this month in the three major fields of racial discrimination—voting, education and housing.

Commission Staff Director Gordon M. Tiffany announced the inquiry yesterday after a closed door meeting of the agency.

He said the decision to concentrate on those three fields doesn't close the door in investigation into other civil rights areas. But at this time, he said, the commission has no certified complaints before it except a few which he said were incomplete and were returned for further information.

Tiffany said for this reason the commission deferred a decision whether to investigate reports of police brutality toward Negroes in the Dawson, Ga., area.

2 Miamians on Civil Rights Unit

Two Miami civic leaders were appointed Wednesday as members of the Florida Advisory Committee to the Civil Rights Commission.

They are John Turner of the Orange State Oil Co. and William Singer of the Royal Castle food firm. Singer, a State Road Board member, wasn't sure he could accept the post.

Singer, visiting in Tallahassee Wednesday, told The Herald he will have to decide whether his appointment will conflict with his new road board membership.

Civil rights hearings set June 25-27, July 3-11

WASHINGTON (ANPA) — Rep. Emanuel Celler, chairman of the House Judiciary Committee, announced Wednesday a series of hearings on his and other civil rights bills which have been referred to his committee.

Mr. Celler fixed the dates for the hearings as June 25 - 27 and July 3-11.

The Celler bill embodies Title 3 which was stricken from the civil rights measure in the Senate last year before that enacted into law. It would authorize the Attorney General to bring suits to enjoin threatened violations of constitutional rights, other than the right to vote.

* * *

MR. CELLER called the Civil Rights Act of 1957 only "a landmark, the first in over 70 years, on the road to achievement of the true American ideal of civil rights for all regardless of race, creed or color."

"There is a definite need to acquaint the public with the problems which still face us in the field of civil rights and to supplement our present day advances with future legislation.

"It is for these very reasons that it is necessary to initiate hearings looking to the subsequent enactment of legislation, further implementing civil rights legislation which began in the first session of this Congress."

* * *

ONE OF THE measures pending before Mr. Celler's committee is the bill introduced by Rep. Kenneth B. Keating, (Rep. N.Y.) to extend the life of the Civil Rights Committee until June 1, 1960.

Under the terms of the Civil Rights Act of 1957, the Commission is required to submit its final report to the President and Congress by Sept. 9, 1959. It dies 60 days later.

The Senate did not confirm members of the Commission until March 4. The staff director was not confirmed until May 14. The Commission is not yet fully organized to begin work.

Mr. Keating says the intent of Congress was to give the Commission two full years to do its work

VOTING, SCHOOLS, HOUSING

Civil Rights Body Orders Inquiries

WASHINGTON, June 10 (AP)—The federal Civil Rights Commission today directed an immediate inquiry into three broad fields of civil rights—voting, education and housing.

It put off a decision on whether to investigate alleged mistreatment of Negroes at or near Dawson, Ga., by police officers, pending receipt of complaints.

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The inquiry, Tiffany said, will not be directed toward any particular area. He said it would be conducted under commission authority to collect information regarding legal developments that constitute a denial of equal protection of the law.

As for the Dawson, Ga., matter, Tiffany said the commission has before it only a story by a Washington Post and Times Herald reporter relating how two Negroes died after brushes with the police and a third suffered gunshot wounds in incidents occurring over the last few months.

Tiffany said the commission decided it will determine what action to take when and if complaints are filed.

He said the commission would not consider rumors, but would like to hear from those having direct knowledge of the alleged mistreatments.

The Civil Rights Law Has A Word For It

After the passage of the Civil Rights bill, certain deep South states hastily retreated for a spell from their guard of their projects for the circumvention of the anti-segregation decision to reenforce the dikes of another subterfuge for keeping voters away from the polls.

In their frustration, their legislatures passed certain regulatory laws, while of questionable constitutionality, would for temporary emergencies, go a long way in the fortification of another system.

These measures would partake of the nature of keeping eligible voters from the polls by various escapements of subterfuge, challenge and unwritten mediums.

U. S. News and World Report, a national magazine, would disclose in a current issue examples of how these states would so fortify themselves in their objective of keeping Negroes from the polls. These states in question would make a kind of pretense of keeping the ballot "pure."

Louisiana for example was so devout in its "purification" methods, it would comb its registration list as to note where the ages of Negroes differed by as much as one day from ages set on regular applications, for challenging purposes. Thusly, some 8,000 names were removed from 10 parishes (counties). A weekly newspaper reporter went over the first 100 white applications in one ward and found only one card which met the standards of the Negro applicants. But these white registrants were not purged from the voters roll.

In the state of Georgia, a tax clerk was unable to explain certain sections of the State constitution about which he was asked. Even a newspaper reporter had to reply that he did not know, to several questions prepared for the illiterate!

One Georgia official said that in one instance, members of the legislature had to rewrite the list of questions because they found that they themselves could not list answers to the questions.

The Civil Rights legislation of 1957 was specifically passed to see that there was no discrimination based on race, religion and other abstracts in the exercise of the right to vote. Even the leaders of the Southern Anti-Civil Rights group conceded that the Negro should have the right to vote.

But in the past year, legislatures in several Southern states have passed laws making unreasonable requirements in qualification for the ballot. This action of course is unjust and unwise. Those, including federal authorities, who desire to see a free and just use of the ballot, will, sooner or later, counteract such measures.

Conceivably, it might move the Congress, to pass a uniform requirement for voting, at least for President and members of Congress. We think the requirement for voting for national officials should be the same in each state. Where federal rights are concerned, there should be no state boundary.

Of course, we do not prefer more federal control, but if the states continue to be unreasonable about this voting business, we invite it. Or rather, they are inviting it.

Grant Sees New Civil Rights Law During Current Session

U.S. Congressman George Grant predicted Tuesday that Congress, with an eye on the forthcoming November elections, will enact additional "so-called" civil rights legislation during the current session.

The prediction was made in a speech at the regular meeting of the Montgomery Junior Chamber of Commerce. In the speech, the veteran Alabama congressman also called for a "new look" at foreign aid and advocated congressional action to clarify the question of delegation of presidential duties in the event the Chief Executive should become incapacitated by illness.

Due to continuing pressure from the NAACP and other minority organizations, Grant said, Congress is likely to pass additional civil rights legislation.

He charged that a "Paper Curtain," comparable to Russia's Iron Curtain and Red China's Bamboo Curtain, has been set up by newspapers in the east and north. Racial disturbances in areas served by these newspapers are either ignored by the press or buried on inside pages, he said, while comparable incidents occurring in the South are given front page priority.

In this connection, he praised the "courageous journalism" of Grover C. Hall Jr., editor-in-chief of The Montgomery Advertiser, for pointing out the unfairness of this situation.

He cited a recent speech made by Hall in Chicago before a gathering of newspapermen, in which Hall chided the Northern press for its double-standard treatment of racial news. Grant said that he had entered a copy of Hall's talk in the Congressional Record.

Powell Blasts Delay on Rights

WASHINGTON, Jan. 29 (AP) — Rep. Adam Clayton Powell (D-NY) has complained to President Eisenhower against "the present seeming indifference, if not procrastination, by the administration" in the civil rights field.

In a telegram to the President, the Negro House member who supported Eisenhower in the 1956 election, said the administration may "find itself branded by its friends as being anti-civil rights."

Powell complained that the government contract compliance committee has failed to hold any meetings south of the Potomac River, that the President has declined to call a conference with Negro leaders to discuss integration problems, and that the administration has refused to press for additional civil rights legislation.

"Regardless of how laudable the past record" of the administration may be in the civil rights field, Powell said, "it is not sufficient for the immediate pressing challenges of today and tomorrow."

Rights extension bill introduced by Dingell

WASHINGTON (NNPA) — Rep. John D. Dingell (Dem., Mich.) Tuesday introduced in the House a bill to extend to other civil rights the same protection that is given to the right to vote in the Civil Rights Act of 1957.

The Dingell bill would authorize the attorney general to bring in the name of the United States, a civil action for an injunction whenever:

"A person has engaged or is about to engage in a conspiracy which would result in injuring another person or depriving him of his constitutional rights, including the equal protection of the law, or equal privileges and immunities under the law."

* * *

FEDERAL DISTRICT Courts would be given jurisdiction over such suits without the aggrieved person having to exhaust either Federal or state administrative or legal remedies.

"The bill creates no new civil rights but merely provides a new remedy for the enforcement of the civil rights with which our Constitution has already endowed every citizen regardless of race, creed or color." Mr. Dingell said.

CITY BAR OPPOSES BILL ON SEDITION

Holds Nelson Case Reversa by Congress Would Bring Civil Rights Sacrifice

By RUSSELL PORTER

The Association of the Bar of the City of New York voted yesterday against proposed Federal legislation to reverse the United States Supreme Court's decision in the case of Steve Nelson, Pittsburgh Communist party leader.

That decision voided state anti-sedition laws, holding this field had been preempted by Federal laws. Legislation now before Congress would authorize the states to enforce such laws.

The vote was taken at a membership meeting of the association at 42 West 44th Street. It followed submission of majority and minority reports by the association's Committee on Federal Legislation.

The majority report, signed by fourteen committee members, opposed the pending legislation. The minority, with eight signers, favored it.

Alfred Berman submitted the majority report. It held that enactment of the proposed legislation would entail unnecessary sacrifice of traditional civil liberties and individual rights.

The majority said restrictions on freedom of speech and expression in the Federal anti-subversion program had been generally accepted in the interest of national security. However, it argued, it would be unwise national policy to extend these restrictions by reviving state anti-sedition laws. State courts, it added, do not afford defendants all the constitutional guarantees of the Federal courts.

It warned against possible multiple punishment for the same acts as the result of duplicate Federal and state legislation. This would be "repugnant to the fundamental American system of fair play," it continued.

Richard W. Hogue Jr., committee chairman, submitted the minority report. It held there had been no infringement on constitutional guarantees when state anti-sedition laws were in effect. No one had been sent to jail more than once for the same offense as a result of duplicate Federal and state prosecutions, the report contended.

The minority also argued that state anti-sedition laws were essential to the states for their own protection since subversion was aimed at the overthrow of state as well as Federal power. The report added: "It is customary in those fields in which both Federal and state Governments have constitutional powers, that both exercise their jurisdiction: for example, taxes, fraud, narcotics, labor relations, transportation regulation, and others."

Nelson was convicted in 1952 of violating the Pennsylvania Sedition Act and was sentenced to twenty years in prison. He was convicted in 1953 of violating the Federal Smith Act and was sentenced to five years in prison.

The United States Supreme Court in 1956 upheld the Pennsylvania Supreme Court in reversing the state conviction. It held that when Congress enacted the Smith Act it intended to and did supersede state anti-sedition laws.

The proposed Federal legislation would permit enforcement of state anti-sedition laws unless Congress specifically prohibited it.

The city Association is believed to be one of the first important bar groups to oppose the proposed legislation. It has been supported by the American Bar Association.

STATE UNITS TO AID CIVIL RIGHTS BODY

Committees Are Expected to Ease Racial Tensions

By ANTHONY LEWIS

Special to The New York Times.

WASHINGTON, April 26— The Civil Rights Commission agreed today to appoint local advisory committees in all forty-eight states.

The action, taken at a day-long business meeting, was the

first long forward step made by the commission since its creation last fall by the Civil Rights Act of 1957. Some observers have seen the use of advisory committees as a particularly important tool in the effort to alleviate racial tensions.

The committees will be made up of five to nine persons. The commission will accept nominations from state racial groups, veterans' organizations, women's clubs, academic societies and business, labor and farm groups. But the commission itself will make the actual appointments to each local committee.

The Civil Rights Act suggests the use of local advisory committees, although it does not make their appointment mandatory. Nor does the act say in any details what the advisory groups should do.

The commission today set out a number of objectives for the committees. It said they should gather information on civil rights problems and any local suggestions — "a grass-roots information-gathering job," a spokesman said. And the committees will be invited to attend the commission's open hearings as observers.

Aid to Racial Relations Seen

It has been thought that the mere existence of local civil right committees, probably of mixed racial character, might contribute to restoring communications between Negro and white in the south. The hope was that such committees might help to reduce the tensions that have arisen particularly over the school segregation issue.

The commission did not mention today any such educational role for the committees. But if the groups are active, it is felt that such an effect may follow.

The commission gave priority to the establishment of advisory committees in the seven states from which are drawn its six members and staff director.

The commissioners are Dr. John A. Hannah, chairman, of Michigan; Robert G. Storey, vice chairman, of Texas; J. Ernest Wilkins of Illinois; John S. Battle of Virginia, the Rev. Theodore M. Hesburg of Indiana, and Doyle E. Carlton of Florida.

The staff director-designate is Gordon McLane Tiffany of New Hampshire. Mr. Tiffany's nomination is still pending before the Senate Judiciary Committee. He has been acting as a consultant to the commission in the interim.

Because of Mr. Tiffany's uncertain status, no work has been done on the approximately 300 complaints that have come in to the commission through the mails. Lawyers are expected to begin analyzing the complaints shortly.

The commission plans to hold open hearings around the country on charges relating to restriction of the right to vote. It will have to wait until its staff has suitable complaints ready before it schedules any hearings.

At today's meeting the commissions decided to limit their study of voting matters to elections beginning with the one in the fall of 1956, not going back beyond that date.

They also said that all complaints must be in by June 1, 1959. The commission must make a final report in September, 1959.

U.S. Civil Rights Unit to Seek Law Liaison of States

WASHINGTON, May 4 (AP)—The new Civil Rights Division of the Justice Department has told Congress it will try for extensive liaison and consultation with state law enforcement officials.

W. W. White, assistant attorney general in charge of the unit created by the civil rights law enacted last year, told a House Appropriations subcommittee, "We think more can be accomplished by discussion and mediation than has been possible in the past with the limited operations of the section."

The law sets up the civil rights section as a major division of the Justice Department with the special duty of seeking injunctions against restrictions on voting rights. Previously, a smaller civil rights unit with the Criminal Laws Division had largely devoted its activities to handling charges of civil rights violations by officials of states and cities.

Civil Rights Director Gets Committee Nod

By J. V. DAVIS

WASHINGTON (AP) — The Senate Judiciary Committee approved Gordon M. Tiffany for the key job of staff director of the new Civil Rights Commission.

The committee acted Monday after thinking it over for two months and two weeks.

This removed the last big barrier to full operation of the commission.

CREATED IN SUMMER

The commission was created last summer by the first civil rights law since Reconstruction Days, mainly to investigate complaints that Southern Negroes were being deprived of voting rights.

President Eisenhower's nomination of Tiffany, a New Hampshire lawyer, has been before the committee since Feb. 20. The committee is headed by Sen. James Eastland (D-Miss), an opponent of civil rights legislation.

The commission chairman, Dr. John A. Hannah, said April 26 that the committee had handcufefd the commission by its delay in acting on the Tiffany nomination.

GOES TO SENATE

Now that it has cleared the committee, the nomination goes to the Senate. Two Southern critics of the civil rights law, Sens. Olin D. Johnston of South Carolina and Sam Ervin of North Carolina, said April 21 they were ready to take a vote. They said they feared further delay would intensify expected demands for extending the commission's life. Under the law, it is to expire in September 1959.

Once Tiffany gets through the Senate, it is planned to set up a commission staff of 70 persons. So far only five have been chosen: Tiffany, three secretaries and a secretary of the commission. Tiffany is drawing $50 a day as a consultant pending his confirmation in the $22,500 a year director's job.

TIFFANY IS 46

Tiffany, 46 years old, is a Concord, N. H., lawyer who studied at Yale and Columbia. He formerly served his state as attorney general and was legislative counsel to Sherman Adams, who is President Eisenhower's top staff aide, when Adams was governor.

Tiffany told a judiciary subcommittee when it considered his nomination that he was not an expert on civil rights but approached the job with the feeling it was significant both at home and abroad.

The subcommittee approved him 5-2 April 2.

Chairman Eastland, in announcing approval by a majority of the full committee, refused to say how the vote went, pending the recording of four absentee members.

Integration Group Hits Civil Rights Vote

ADA Claims Senate Leader Evading Issue

From The Commercial Appeal Washington Bureau

WASHINGTON, May 6. —The left-wing Americans for Democratic Action complained Tuesday that Senate leaders are trying to sweep the civil rights issue under the rug.

The struggling integrationist outfit aimed its complaint at a Senate subcommittee vote Monday that virtually closed the door to hearings on civil rights bills in the Senate this year.

By a 3-to-2 vote, the Constitutional Rights Subcommittee over-ruled an announcement by Chairman Thomas C. Hennings Jr. (D., Mo.) that hearings would begin soon on a package of civil rights bills.

The subcommittee ruled that no hearings shall be held without formal approval of the subcommittee.

The three votes were cast by Senators Arthur V. Watkins (R., Utah), Roman L. Hruska (R., Neb.), and Sam J. Ervin Jr. (D., N.C.).

Voting with Senator Hennings on the other side was Senator Joseph C. O'Mahoney (D., Wyo.).

The Administration has announced it will not seek to pass any civil rights legislation this year. Senate leaders have made it clear they do not want the Senate to get into another civil rights fight like the one last year.

Solons Plan Civil Rights Debate Halt

Campaign Leaders Hoping To Amend Rules On Filibuster

WASHINGTON (AP)—Four leaders of the campaign to amend the Senate's filibuster rule served notice Monday night they will fight any face-saving compromise.

Sens. Paul Douglas (D-Ill), Hubert Humphrey (D-Minn), Clifford P. Case (R-NJ) and Jacob K. Javits (R-NY) said in separate statements a proposal by which two-thirds of senators voting could limit debate offers no real solution toward curbing the filibusters that have blocked most civil rights legislation.

NEW RULES

The issue will come before the Senate when it convenes in January, on a motion to adopt new Senate rules. Vice President Nixon has said he will hold this motion in order. His ruling then is subject to approval or rejection by a majority of the Senate's 98 members.

The election of a substantial number of new liberal senators is expected to make it less difficult for filibuster opponents to upset the Senate's tradition of carrying its rules over from one Congress to the next. Such a move failed by a 55-38 vote in 1957.

66 SENATORS

The rule which has existed for several years requires the affirmative votes of two-thirds of all members to bring debate to a halt. With Alaska's two additions, this would mean 66 senators must vote for cloture, a process of limiting debate to force an eventual showdown on the business before the Senate.

However, as the old rules stand, there can be no limitation on debate about changing the rules themselves.

Douglas and Humphrey said in a letter to all 13 new Democratic senators that Sen. Richard B. Russell (D-Ga) and other Southerners who oppose broadening the means by which the Senate can cut off talk are resigned to a compromise.

But Douglas and Humphrey said that while the Southerners are willing to accept a change so that two-thirds of those voting could curb debate, they want to apply such a provision also to future changes in the rules.

Instead, Douglas and others have proposed a rule under which two-thirds of those voting could limit debate immediately. If this failed and debate continued for another 15 days, 50 affirmative votes then could end the talk.

The two senators said they are "confident that those who recognize the necessity to make an effective rule change will not be trapped into support of any provision attempting to tie the hands of future Senates while making an infinitesimal concession on cloture."

RULE CHANGE

Case and Javits said they don't believe supporters of an effective rule change will be deceived "by this seeming concession."

While the two Democratic senators talked of smoothing the way for new legislation to meet what they called the civil rights emergency confronting the nation," Democratic state chairmen divided almost equally on the issue of whether their party should adopt a strong civil rights plank in 1960 or compromise with the South.

43 CHAIRMEN

In replies of 43 state chairmen to a canvass by The Associated Press, representatives of 18 states which cast 596 of the 1,372 votes in the 1956 national convention took a no-compromise stand.

Eleven Southern chairmen stood firm against the party's taking any stronger position than it did two years ago on school integration and other racial problems.

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First Civil Rights Test In Alabama

The first attack on the civil rights law in Alabama was made, ironically, in behalf of Negro defendants.

When the law was passed last summer, one of the compromises was a change in the procedure for selecting federal court jurors. This provided that persons meeting certain federal requirements could serve as federal jurors without regard to state qualifications.

The first effect of this in Alabama was to qualify women, theretofore ineligible because of federal courts' traditional deference to state laws.

Two women were selected in November to serve on a jury hearing the case of two Negroes charged with bootlegging whisky. The Negroes were convicted, and their attorneys immediately petitioned for a new trial on grounds that the 6th Amendment, as they saw it, required that jurors be qualified both for federal and state courts.

Judge Johnson has now ruled that the new juror requirements are not inconsistent with the 6th Amendment and that the Negroes are not entitled to a new trial.

Thus the civil rights law withstands its first test in Alabama—withstands it even when challenged by Negroes, who possess a magic that seldom fails them these days in court tests.

Civil rights Demo goal says Truman

WASHINGTON

"For the Democratic Party there can be no compromise which will deny to any of our people the enjoyment of their basic rights of citizenship."

That's what former President Harry S. Truman told 3,000 cheering party faithful, including Arkansas' Gov. Orval Faubus, Saturday night.

The occasion was a $100 plate dinner given in his honor by the Democratic National Committee, which raised $300,000 in campaign funds as a result.

Two of the Sheraton-Park Hotel's mammoth ballrooms were overflowing with Democrats, confident that the political tide is swinging their way.

* * *

CITING EQUAL rights as the second Democratic principle, Mr. Truman said:

"The Democratic Party must stand firmly and forthrightly for the full enjoyment and protection of the civil rights and liberties of every citizen in the land regardless of race, creed, or national origin.

Then taking a crack at President Eisenhower use of the 101st Paratrooper Battalion to quell a mob at Little Rock's Central High, the former president, added:

"I think that firm and foresighted leadership might accomplish this without calling on the Army for help."

CURIOUSLY ENOUGH, Mr. Truman had no criticism for Gov. Faubus who spurred the Little Rock disturbance by using the National Guard to bar nine colored children from the school.

But he did say, "I know that patient and persistent action coupled with firmness, can work wonders in the field of civil rights.

"But unless a President works at it, day and night, and shows the people where he stands, you can expect the demagogues to move in and make trouble."

* * *

LAMBASTING THE Eisenhower administration, Mr. Truman charged "the present government has failed to understand our problems at home and abroad.

This blindness, he said, has given the Russians an advantage militarily and put five million of our people out of jobs.

Rep. William L. Dawson, (D., Ill.) who is vice chairman of the Democratic National Committee had a place of honor at the speaker's table.

Many Democratic big-wigs were seen interspersed in the colorful gathering in both ballrooms.

New Civil Rights Bill Offered By Senator Humphrey

WASHINGTON — A revised version of "Part Three" of the 1957 Civil Rights Bill has been introduced in the U. S. Senate by Senator Hubert Humphrey (D-Minn.) but few observers give it any chance of passage.

This section was eliminated by Southern lawmakers when the measure was before the body last year.

The Humphrey measure would permit the attorney general to seek federal court injunctions to enforce all kinds of civil rights, not just voting rights, as provided for by the amended 1957 act.

The new measure, according to Sen. Humphrey, is "an effort to use civil rather than criminal remedies in effectuation of these rights." The bill seeks to enlist the power of the attorney general in a determined attack upon denials of civil rights because of color, race, religion or national origin.

A. Philip Randolph

RANDOLPH FEARS RIGHTS GAINS MAY BE NULLIFIED

Baltimore (ANP) — Civil rights gains of the last few years are being threatened by a "new counter revolution", A. Philip Randolph warned Wednesday at Morgan State college.

Addressing an all-college assembly, the man who organized the Brotherhood of Sleeping Car Porters and became its president, declared:

"There is a grave danger that another "counter revolution" may nullify the decision of May 17, 1954 and other gains in civil rights."

Randolph said that apparently "liberalism is losing ground," and expressed "alarm at the indifference. the apathy and unconcern in certain circles—in labor, in the church and in government—with respect to movement of human freedom. I am disturbed about the trend of public sentiment at this time. In the North liberals are becoming lukewarm."

The AFL-CIO vice president charged that in the North writers apparently are giving approval to the action of the South to nullify civil rights gains.

Be traced the development of civil rights in this country, calling the Civil War a "revolution."

Unfortunately, Randolph declared, the Civil War was never completed because a "counter revolution set in" to halt attempts to win rights for all American citizens.

Gains in civil rights in recent years like the Supreme Court decision outlawing segregation in education have helped to complete the Civil War struggle for human freedom. Again, however, Randolph warned, "a revolt against those gains, like the one which developed during Reconstruction, is setting in."

Battle for Afro-American full rights continues

WASHINGTON, D.C. (NNPA) — In introducing two civil rights bills in the Senate Thursday, Sen. Jacob K. Javits (Rep., N.Y.) made public the substance of the Justice Department reply to demands that it act in the racially inspired bombings in Florida, Tennessee and Alabama.

One of the bills would extend the life of the Civil Rights Commission through June 30, 1960 — some nine months beyond its original expiration date.

The second bill would make it a Federal crime of conspiracies crossing state lines in cases of outbreaks of violence such as bombings of synagogues, churches, community buildings. schools and homes as have occurred in several southern states.

* * *

THE TWO BILLS are similar to measures offered in the House by Representative Kenneth B. Keating, (Rep., N.Y.).

In introducing the measures, Senator Javits told the Senate that "The failure of Congress to consider the civil rights bills already before it should not obscure our need to enact necessary civil rights legislation which basically should be considered non - controversial."

The New York Senator pointed out that the Civil Rights Commission had been "regrettably delayed in getting started."

* * *

THE BILL to lengthen its life, he said, would allow the commission more time to pursue its primary duties to investigate charges of deprivation of the right to vote and to study attempts to deny equal protection of the law guaranteed by the Constitution.

The need for the second bil

he introduced, he said, "stem from the recent bombings in Florida, Tennessee and Alabama and will directly implement the requests of the Senators of these states to the Justice Department" for FBI investigations of the bombings.

SENATE REFUSES BID TO REOPEN HEARINGS ON CIVIL RIGHTS

Washington, D. C., May 6—A move to start Senate hearings in new civil rights legislation has been nipped in the bud.

Several bills have been introduced to strengthen the civil rights act passed by Congress last year over the bitter opposition of Southern opponents. At a closed meeting yesterday of the Judiciary Subcommittee on Constitutional Rights, Chairman Thomas C. Hennings Jr. (D-Mo.) announced that he planned to begin hearings in two weeks on these and other civil rights measures.

But Sen. Sam J. Ervin Jr. (D-NC) countered with a motion to postpone any civil rights hearings until such time as a majority of the subcommittee approved. This carried a 7-2 vote, and a similar vote debated Henning' motion to start hearings on May 13.

While the votes of individual members were not announced, Ervin reportedly had the support of the two Republican senators present. They were Sens. Arthur V. Watkins of Utah and Roman L Hruska of Nebraska.

This position would be in line with the stand taken by the Eisenhower administration in favor of a cooling off period on civil rights legislation this year.

Complaints Pour In To Civil Rights Commission

WASHINGTON (ANP) -- Although the Civil Rights commission has received 205 complaints, mostly from the Southern region, about alleged voting violations, it has so far taken no action and is still in the process of setting operations.

That report came from Gordon M. Tiffany, newly-confirmed staff director, who acknowledged receiving a flood of complaints. He said, however, that because the alleged charges have not been notorized or properly prepared, the commission will simply acknowledge and return them within six weeks with advice about how they are to be rewritten so his group can investigate.

Tiffany said the complaints piled up during the time the Senate was debating his confirmation. Southern senators succeeded in slowing up his confirmation but he was eventually approved by the upper chamber.

Tiffany also explained that the commission, which has moved very slowly, has set "no hearings" so far and is still preparing its rules and procedures. But he said "the door is open" to complaints from anybody anywhere. Complaints as far back as 1956, the last national election campaign, will be considered, he added.

'We've got to gain full rights for all'

FOREST PARK, Pa.—'America must achieve full civil rights for all its citizens without further delay if it is to gain its goal of a world at peace.

AFL-CIO Secretary-Treasurer Schnitzler used that phrase in speaking to the Third National Trade Union Conference on Civil Rights of the Jewish Labor Committee here Friday night.

Secretary Schnitzler told the Unity House meeting that "the Soviet Union has made tremendous propaganda capital out of every instance of the denial of civil rights in the U.S." He added:

"PREJUDICE MUST and can be eliminated. We do not intend to compromise. This is a matter of principles and principles cannot be compromised.

"There can be no rest for any who cherish liberty, who truly believe in democracy, until we drive segregation and discrimination from our borders and until we achieve full civil rights for all of our citizens."

Mr. Schnitzler said the American labor movement rates no other issue, not corruption nor recession nor international tension, as more important than the problem of civil rights.

"We are pictured in the South," Mr. Schnitzler explained, "as an organization that uses the workers' money to end segregation in the schools. The propaganda distributed in the South these days is vile, insulting and disgusting."

Civil Rights Hearings Set For Alabama

Washington — According to Dr. John A. Hannah, chairman of the Civil Rights Commission, hearings will be held in Montgomery, Ala., beginning Dec. 8 in a move to compel disclosure of Alabama voting records.

The six-member commission voted unanimously to go to Alabama and investigate charges of discrimination against Negro voters. Officials of Macon County, Ala., had refused earlier to give registration documents to commission investigators. The refusal was on the advice of John Patterson, attorney general of Alabama.

Subpoena Powers

Under the Civil Rights Act of 1957, the Commission has subpoena powers and it is expected that the Macon County voting records will be subpoenaed.

However, it was pointed out by Hannah that the actions of the Macon County officials are not the sole cause of the hearings. He said that the basic ground for going into the area was the existence of substantial complaints about voting discrimination for reasons of race.

Commission investigators have been studying such charges for some time in Alabama, Mississippi, and Florida. It was also revealed that a voting investigation has also been authorized in an unidentified northern state.

Decision Surprising

The unanimous decision to hold the hearings in Alabama was surprising since it was expected that the Southern membres of the commission would be reluctant to move into so direct a clash with state power.

The Southern members are Robert G Storey, vice chairman, of Texas; John S. Batle of Virginia, and Doyle E. Carlton of Florida.

Other members are the Rev. Theodore M. Hosburg of the University of Notre Dame and J. Ernest Wilkins, assistant secretary of Labor.

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Sen. Kennedy Honored For Record On Civil Rights

Senator John F. Kennedy of Massachusetts was honored for his great liberal record in a testimonial dinner in Boston last week which attracted notables from all over America.

Among the nationally known leaders participating in the historic affair were: Bishop William J. Walls of the AME Zion church, Manhattan Borough President Hulan E. Jack, Mrs. Robert L. Vann, Mrs. John H. Sengstacke and Howard Murphy of Baltimore.

Senator Paul H. Douglas of Illinois delivered the principal speech in which he cited Senator Kennedy's legislative achievements and stated:

"By his work in this field as well as by his faithful and courageous contributions in the fields of foreign affairs and national defense, Jack Kennedy has rendered great service to our nation and not only abundantly deserves reelection, but is worthy to hold the highest office in the land."

The testimonial was sponsored by the Massachusetts Citizens Committee for Minority Rights of which Herbert E. Tucker, jr., is chairman.

Roy Wilkins, executive secretary of the NAACP, in a letter read at the dinner, declared: ". . .We are pleased to report that, according to our records, Senator Kennedy has one of the best voting records on civil rights and related issues of any Senator in Congress."

Citing the action of the Senator on behalf of eliminating rule 22 on the filibuster and his votes on other key measures. Wilkins wrote:

"The Senator's record, taken as a whole, and including certainly his forthright and repeated support of the Supreme Court decision of May 17, 1954, in the public school desegregation cases, must be regarded, as we said in the outset, as one of the best voting records on civil rights and related issues of any Senator in the Congress."

In his response to the tributes paid him by national leaders, Senator Kennedy declared:

"During the past 12 years it has been my privilege to work with both Republicans and Democrats, in the House and in the Senate, in behalf of legislation for the protection of minority rights. Since America is a nation of minorities, these rights are the very foundation of our democratic system. They are guaranteed by the Constitution, and they are recognized as the bulwark of our free society. Every challenge, every attack, every doubt cast upon these rights must be examined in the light of that basic truth.

"This is not solely a domestic problem. If we are to maintain our position of moral leadership in the world council of nations, we must continue to advance the cause of equal opportunity and justice within our own borders. We cannot countenance lawlessness within our borders and maintain either our internal strength or our world leadership.

"Nor is this a partisan political issue. It is one which involves basic premises of a democratic government. The promise of liberty inherent in our form of government cannot be fulfilled unless every citizen is free to accept both the privileges and the responsibilities of citizenship with equality and with dignity. Whether the issue of the moment concerns the right to vote, the right to speak freely, the right to assemble, the right to serve the nation in battlefield or in factory, or the right to free public education, we must reaffirm and strengthen our democratic heritage."

SENATOR JOHN F. KENNEDY of Massachusetts is honored for his liberal record in a testimonial dinner in Boston which attracted notables from across the nation. In this photo, Senator Kennedy (2nd from right) chats with (from left) Senator Paul Douglas of Illinois who was principal speaker; Bishop William J. Walls, of the AME Zion church and Manhattan Borough President Hulan E. Jack.

AMONG NOTABLES attending testimonial dinner in honor of Senator John F. Kennedy (2nd from left) of Massachusetts were from left, Mrs. Robert L. Vann, president of the Pittsburgh Courier, Mrs. John H. Sengstacke, Chicago Defender and Howard Murphy, Afro-American.

CIVIL RIGHTS COMMISSION

Tells What It Can, Can't Do To Protect Citizens

"What is the Commission on Civil Rights doing about these things?" a disturbed citizen might ask after reading or hearing of violations of civil rights reported from distant parts of the country.

The answer in some cases is: Everything that it can possibly do. In other cases, there is nothing it can do.

The answers do not always satisfy. But that is because all too often the average citizen just does no know what the Civil Rights Commission is, what is can do, and what is cannot do.

The Chicago Defender will attempt to supply the answers to those and other questions about the Civil Rights Commission in a series of three articles. The first of these appear below.

WASHINGTON, D. C. — For the first time in history Congress has set up a commission to study how the civil rights of American citizens guaranteed by the Constitution are being protected nearly 100 years after adoption of the 14th and 15th Amendments.

That body is the new Commission on Civil Rights, authorized by the Civil Rights Act of 1957. The six commissioners and a staff director were appointed by President Eisenhower and confirmed by the Senate earlier this year.

It is not a law enforcement agency; it was given no police power and therefore can exercise none. It is mainly a body to gather, appraise and report facts. Its duties are spelled out in the Act creating it, which provides that:

"The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

The commission's authority to investigate violations of voting rights may be used only when it is claimed the denial is "by reason of color, race, religion, or national origin."

Also, before it can investigate a denial of voting rights it must receive a complaint "in writing under oath or affirmation." No special form of complaint is required, as long as it sets forth the facts upon which such belief or beliefs are based.

The Commission has until Sept. 9, 1959, to complete its studies and make its reports to the President and to the Congress.

These reports will be of great importance, especially if as a Spratt with her problems in result of the Commission's findings and recommendations significant changes in Federal laws and policies are made which will better protect and secure civil rights.

The second article in this series explaining how the Commission operates as a fact-gathering body — through research, hearings, State Advisory Committees and otherwise — will appear in this newspaper next week.

GEORGE M. JOHNSON, director of the Office of Laws, Plans and Research, and former dean of Howard university Law school, reviews a state handbook with Gordon M. Tiffany, staff director.

25 are named to new rights commissions

Five colored persons are among 25 members of State Advisory Committees named, last week by the Commission on Civil Rights for Oklahoma, Arkansas, New Mexico and Arizona.

P. Felton Gayles, director of athletics at Langston University, was one of seven named to the Oklahoma group. The Arizona Committee of five includes William F. Mullins, Phoenix, receiving clerk for the Palmer Manufacturing Co.

The Arkansas Committee of seven includes Joseph R. Booker, of Little Rock, an attorney, and Dr. Lawrence A. Davis, president of the Agricultural and Mechanical College at Pine Bluff.

A POSTAL employee long active in civic affairs, Hobart L. La Grone of Albuquerque, was appointed on the six member New Mexico advisory group.

Dr. John A. Hannah, chairman, said that in addition to the four committees announced, similar groups for 17 other states have been tentatively approved by the Commission. The complete list of members of the four new Committes follows:

Commission On Civil Rights
Washington, D.C.

ARKANSAS ADVISORY COMMITTEE — Robert A. Leflar, Fayetteville, chairman; Joseph R. Booker, Lawrence A. Davis, Mrs. W. L. Jameson, Magnolia; J. L. Shaver, Waynne; Joshua K. Shepherd, Little Rock; and Marshall T. Steel, Conway.

OKLAHOMA ADVISORY COMMITTEE — John Rogers, Tulsa, chairman; Charles R. Anthony, Oklahoma City; Eugene S. Briggs, Enid; Miss Angie Debo, Marshall; Hicks Epton, Wewoka; C. Felton Gayes, and Jack Wilkes, Okalhoma City. President, Oklahoma City University; former Methodist minister.

NEW MEXICO ADVISORY COMMITTEE —John F. Simms Jr., Albuquerque, charman; Danile T. Kelly, Santa Fe; Hobart L. LaGrone, Samuel Z. Montoya, Santa Fe; Thomas L. Popejoy, Albuquerque and Myer Rosenberg, Carlsbad.

ARIZONA ADVISORY COMMITTEE —Mrs. Forrest C. Braden, Yuma Arthur Van Haren, Phoenix James F. McKale, Tucson William F. Mullins and Walter Ong, Phoenix.

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House Delays Showdown On Rights Funds

By Washington Correspondent

WASHINGTON, Feb. 10 — The House embroiled itself today in the first civil rights hassle of the new session, but after an hour of hot and sometimes bitter debate, voted to postpone indefinitely, a showdown on appropriations for the Civil Rights Commission.

Today's debate was almost entirely between advocates of the Civil Rights Commission, over the question whether Republicans in the White House or Democrats in the Senate are responsible for the inactivity of the rights commission.

As the pro - civil rights bloc fought it out on the floor, the Southern bloc sat contentedly in its seats, rising from them only to see to it that a motion postponing a decision on funds for the commission was carried, 85-67.

MONEY DEBATE

The civil rights issue came up during debate on a general government appropriations bill, in which the House Appropriations Committee had refused to include $750,000 requested for the rights commission by President Eisenhower.

Rep. George W. Andrews (D-Ala.), chairman of the appropriations subcommittee which handled the measure, told the House that the commission money had been left out because no one from the commission appeared before the committee to justify the request. Andrews said the committee had not denied the appropriation, but had merely deferred action on it pending a hearing.

Not so, howled Rep. Kenneth Keating (R-N. Y.), White House civil rights spokesman in the House. Keating said the committee had been told that Chairman John R. Hannah of the commission would appear before it at any time, but had insisted that only a staff director would do when it knew perfectly well there was no staff director.

KNEW PERFECTLY WELL

Andrews retorted he knew perfectly well there was no staff director. But he said he did not know when there would be one, either — that it had been offered to six people and that many had turned it down. The result, he said, was that the commission has no employes and no organization, and it would be foolish to appropriate for it.

Later, however, under pressure, he said that if the White House sends up someone qualified to justify the Civil Rights Commission supply request, he'll request a hearing.

Reps. Emanuel Celler (D-N.Y.), Sidney R. Yates (D-Ill.), Adam Clayton Powell (D - N.Y.) and James Roosevelt (D-Calif.) all assailed the White House for dragging its feet with regard to the commission, with Yates asserting that "you have a sorry mess with respect to this commission."

Keating and Rep. John Taber (R-N.Y.), top minority member of the appropriations committee, sought to transfer blame for the commission's inactivity to the Senate, where hearings on the nominations of the six members are not set until Feb. 24.

But Roosevelt demolished that argument by pointing out that the commissioners, serving under recess appointments, are legally qualified to act "if anybody would show some interest in having them act."

Out Of Style

NINE months ago the Civil Rights Act of 1957 was passed, after a stormy fight which Southerners thought they had won, then looked again and decided maybe they hadn't.

Last week, after long delay, Gordon MacLean Tiffany was sworn in as staff director of the Civil Rights Commission which was authorized by the act. But just what the commission plans to do is still in doubt. Anthony Lewis in *The New York Times* writes that in Washington the aims and powers of the commission remain a mystery, partly because of the act's vague statement.

It had been presumed, Lewis says, that the first order of business would be investigation of Negro voting complaints. But surprisingly, "No properly sworn complaints about denials of voting have been received."

The heart of the 1957 act was the provision that the Justice Department could get injunctions against voting infringements. This has never been used.

And nobody seems to be in much of a hurry to get the new Civil Rights Division of the Justice Department, which was also created by the act, in operation.

All of this—the delay and the apparent loss of interest—might well reflect the fact that the burning issue of last year has lost much of its political allure.

Last year Northern politicians drowned the stage in pleading for immediate congressional sanction for Reconstruction II. Now they're more concerned with exploiting the recession or digging up more of Sherman Adams' hotel bills.

In Washington, as everywhere, fashions change.

House Committee To Hear Series Of Rights Bills

WASHINGTON, D. C. (NNPA)—Representative Emanuel Celler chairman of the House Judiciary Committee, announced Wednesday a series of hearings on his and other civil rights bills which have been referred to his committee.

Mr. Celler fixed the dates for the hearings as June 25, 26 and 27 and July 9, 10 and 11.

The Celler bill embodies Title III which was stricken from the civil rights bill in the Senate last year before that measure was enacted.

It would authorize the Attorney General to bring suits to enjoin threatened violations of constitutional rights, other than the right to vote. The Attorney General was given authority to do that with respect to the right to vote in the Civil Rights Act of 1957.

1957 ACT

Mr. Celler called the Civil Rights Act of 1957 only "a landmark, the first in over 70 years, on the road to achievement of the true American ideal of civil rights for all regardless of race, creed or color."

"We cannot rest on our laurels," he said, adding:

"We must continue to plow ahead. We have made progress to date, but we must proceed further, tomorrow, if our ultimate goal is to be reached.

BIG NEED

"There is a definite need to acquaint the public with the problems which still face us in the field of civil rights and to supplement our present day advances with future legislation.

"It is for these very reasons that it is necessary to initiate hearings looking to the subsequent enactment of legislation, further implementing civil rights legislation which began in the first session of this Congress."

One of the measures pending before Mr. Celler's committee is the bill introduced by Rep. Kenneth B. Keating, Republican, of New York, to extend the life of the Civil Rights Committee until June 1, 1960.

FINAL REPORT

Under the terms of the Civil Rights Act of 1957, the commission until March 4. The staff director was not confirmed until May 14. The commission is not yet fully organized to begin work. Mr. Keating says the intent of Congress was to give the commission two full years to do its work.

Rights commission's life may be extended

WASHINGTON, D.C.— Rep. Kenneth B. Keating, (N.Y.), senior Republican member of the House Judiciary Committee and sponsor of last year's Civil Rights Act, today introduced a bill to extend the life of the Civil Rights Commission until June 1, 1960.

Keating indicated the bill was prompted by the delaying tactics of opponents of the Commission, and is designed to give the Commission a full two years in which to operate, as intended by Congress.

(Under terms of the act, the Commission is to submit its report by Sept. 7, 1959. The Commissioners were confirmed by the Senate on March 4, and Staff Director Tiffany was confirmed by the Senate on May 14 of this year.)

Mr. Keating said:

"The original intent of Congress, in passing the Civil Rights bill, was to give the Civil Rights Commission two years to carry out its work. That intent is implicit in the language of the measure.

However, due largely to the obstructionism by its opponents, only about 15 months remain for the Commission to operate with a full membership and a staff director. It would be inimical to the spirit of the legislation to force them to try to fulfill their mission with inadequate time. To reinstate the Commission to its full powers, I am introducing this bill to extend the life of the Commission until June 1, 1960—roughly two years from the date it will be fully organized for work.

"The Civil Rights Commission represents a golden opportunity for promoting greater understanding and co-operation among the races. Its fact-finding work can do much to unearth abuses of civil rights. Its powers to recommend corrective legislation and other moves can do much to prevent future occurrences of such discrimination in all fields.

"I am confident that just as we had the votes last year to pass a civil rights bill, so we have the votes this year to reassert the congressional intent as to the life of the Commis-

sion. I shall urge the Chairman of the House Judiciary Committee to schedule immediate hearings, so that this change can become law in the very near future. This will allow the Commission to plan adequately its operations well in advance."

Senate Okays $750,000 For Rights Commission

By ALVIN SPIVAK

United Press International

WASHINGTON — The Senate approved two money bills yesterday carrying more than six billion dollars for the White House, the new Civil Rights Commission and a score of other federal agencies in the new fiscal year starting July 1.

The action came as President Eisenhower asked Congress for additional appropriations totalling $769,787,978 for various government activities ranging from soil bank expansion to improved air safety programs.

Piled on top of previous requests, the new proposal would boost the President's budget requests to date to about 74 billion dollars, the highest peacetime total in U.S. history.

With revenues down, officials have forecast a deficit of 8 to 10 billion dollars next year.

GO TO CONFERENCE

The two Senate money bills now go to house-senate conferences to adjust differences between the two chambers. Their combined total was about $179,140,000 more than the administration asked and $440,604,000 less than the House approved.

One of the bills carried $14,954,870 for the White House, budget bureau and five smaller executive agencies. Included was the Civil Rights Commission, which was granted the full $750,000 asked by the Administration.

The other measure, totaling about $6,108,000,000 for 17 independent federal agencies, included almost five billion for the veterans administration alone.

In other spending developments:

The House passed a bill to allot $665,700,000 to finance emergency anti-recession extension of unemployment compensation for workers whose benefits expire under state programs.

The House Appropriations Committee approved a $1,074,067,200 public works money bill with 43 more projects than Eisenhower asked and a slash in some he requested. The next result was a $1,948,300 cut.

The Senate money bill for the White House and its executive offices carried $604,000 less than the House provided and $860,000 less than the Administration asked.

Most of the reduction resulted from a $725,000 cut in the President's emergency defense fund. The Senate Appropriations Committee said the $275,000 actually provided would keep the fund at the requested million dollar level.

The second bill contained about 180 million more than the administration asked and about 440 million less than the House approved.

The Senate eliminated 589 million dollars the House had included for payment into the civil service retirement fund. But the Appropriations Committee asked the administration to submit recommendations next year to assure adequate financing of the fund.

Senate increases included $80,500,000 to carry out provisions of the minerals stockpiling law and an additional 25 million dollars for the national science foundation. For the science agency, the Senate voted the full 140 million dollars requested by the Administration.

Rights Group Seen Nearing Legal Fight

By HOWARD L. DUTKIN

Star Staff Writer

A legal battle, which would affect the future effectiveness of the Civil Rights Commission, was shaping up today.

The immediate issue involves the power of the commission to force Alabama voting authorities to turn over to it registration and other pertinent records. Outcome of the potential struggle obviously will have a vital effect on commission activities in other Southern States.

Yesterday, after a regular meeting here, the commission announced that it would begin hearings in Montgomery on December 8, on complaints that Negroes illegally have been denied the right to vote and register in Macon County. The decision to hold the hearing was unanimous.

Recently, county voting officials, acting on the advice of the State Attorney General, refused access to the records to commission investigators who were probing the complaints.

The same section of the congressional act which gives the commission power to hold hearings also authorizes it to subpoena witnesses and data.

Records Necessary

A clear indication that the commission intends to subpoena the Macon records, if they are not turned over voluntarily, was given by Vice Chairman Robert G. Storey in answer to a question as to the commission's intention. "We will need the records to have a full and complete hearing," Dr. Storey, who is dean of the law school of Southern Methodist University, replied.

Questioned as to the possibility of seeking a court order in the event the commission's subpoena is ignored, Dr. Storey replied:

"The decision will be made if the hypothetical becomes reality."

Privately, commission officials say that unless Alabama authorities undergo a change of heart, a subpoena must be issued. It is equally apparent that the only way the commission could enforce the subpoena is by applying for a Federal court order. This would bring up a question of how far the Federal Government could intrude on a State's control of its voting records.

No Limit on Area

While the hearings will center on Macon County complaints, it will not be limited to that area, Dr. Storey said. He stated he would "assume" the hearings will be public.

Staff Director Gordon M. Tiffany said the commission originally was told by county authorities that the records would be made available. But this was changed after State Attorney John Patterson advised against it, Mr. Tiffany said.

Chairman John A. Hannah said the commission is investigating a complaint from an undisclosed Northern State that voting rights have been denied on the basis of "national origin" rather than race. Investigations also are under way in Florida and Mississippi.

States New York Hearing

The commission announced a public hearing will be held in New York beginning February 2 on racial aspects of housing practices.

Dr. Hannah, who is president of Michigan State University, emphasized that there is "no feeling that New York is negligent in this respect." He said the hearing will be conducted as a fact-finding project which might lead to findings that other areas might follow as a model. He said no complaints of race discrimination in housing have been received from New York.

The chairman said the commission was watching closely developments in the educational field in Arkansas, Virginia and Tennessee where race integration in the schools has led to tensions and, in the case of Arkansas and Virginia, the closing of some schools.

No Education Hearing

It was indicated that probably no hearings would be held in education because of the time they would take, the limited personnel of the commission and the ready availability of facts in the controversies through newspaper accounts and court records.

The commission said it was working on preliminary plans for a final report to the President and the Congress which must be made by next September 9.

The six members of the commission appointed by President Eisenhower last year were not confirmed by the Senate until last March. The commission is to go out of existence after it makes its September 9 report.

10 1958

Dixie Senators Pledge to Fight To Last for Filibuster Fort

Constitution Atlanta, Ga

Famous Old Rule 22 Has Been South's Shield Against Civil Rights

By HAROLD DAVIS
Atlanta Journal Washington Correspondent

Atlanta Journal Bureau
1426 G Street, NW

WASHINGTON, Aug. 2—Long months of agonizing reappraisal ended for Southern Senators this week as the Dixie solons decided to fight to the last ditch against a change in the filibuster rule.

Famous old Rule 22 has been the South's shield against civil rights legislation for decades. Yet now the Senate liberals are hacking away at it—and are attacking from a position of strength.

Rule 22 is in trouble and its Southern backers in the Senate had a monumental decision to make. They could stand, fight and possibly die for the rule as now written. Or they could give a little ground now in hopes it would prove "insurance" against a future drastic watering down of the rule.

* * *

THEY CHOSE to stand and fight.

The decision, like most Southern policy conclusions in the Senate in the past two decades, was made around the giant elliptical table in the office of Sen. Richard B. Russell of Georgia.

At 4:30 o'clock last Wednesday afternoon, 16 Dixie senators filed into Russell's office on the ground floor of the Senate Office Building and took their seats.

Two Southern states were not represented: Tennessee and Texas. The senators of these former Confederate commonwealths are no longer considered on the Southern team. They were not invited.

Two "loyal" solons were absent.

* * *

SEN. SPESSARD Holland was in Florida fighting for his political life against the renewed bid for high office of former Sen. Claude Pepper.

Sen. John McClellan of Arkansas went to his home state a few days ago for the funeral of his son, and was still not back in Washington.

All the rest were there. Dick Russell presided. At the him of the table were Talmadge of Georgia, Smathers of Florida, Fulbright of Arkansas, Byrd and Robertson of Virginia, Erwin and Jordan of North Carolina, Johnston and Thurmond of South Carolina, Hill and Sparkman of Alabama, Eastland and Stennis of Mississippi, and Ellender and Long of Louisiana.

* * *

THE NUB OF their dilemma was this:

The liberals are gaining in strength with every election. In the 84th Senate, they controlled 21 votes. In the first session of the present 85th, they were up to 38.

When the Democratic cyclone hits the polls in November, they can well be a clear majority. Last year Vice President Richard Nixon injected himself into the controversy over Rule 22. In a speech to the Senate, he said that if anybody asks him, he will rule next January that the Senate can change its rules by a simple majority vote.

Mr. Nixon, in effect, is prepared to declare that the Senate is not a "continuing body"—that its rules do not carry over from one Senate to the next. The vice-president will be saying that each session can adopt its own set of rules by majority vote.

* * *

THE IDEA that the Senate is a continuing body has been regarded as Holy Writ in Washington for more than a century and a half.

Mr. Nixon's ruling would sweep away all present Senate rules. Then the liberal majority could procede to write new ones.

One thing they want is an easy way to stop filibusters. Shorn of the right of unlimited debate, the South could neither slow down nor fully discuss future civil rights legislation.

At present, Sens. Lyndon Johnson and William Knowland have in committee a compromise solution to the filibuster squabble. Rule 22 now says two-thirds of all elected senators must agree to stop a filibuster before a talking senator can be set down. Two-thirds of 96 to 64.

* * *

JOHNSON AND Knowland would provide that two-thirds of all senators present and voting are necessary to stop a filibuster. This would usually be between 60 and 62.

This is not much of a concession for the South to make. Some of the Dixie Senators wouldn't mind making it. They think a little give and take right now may appease the liberals and head off the deluge next January.

A substantial majority thinks otherwise, however.

They believe the liberals cannot be appeased. They also know that if President Eisenhower should die or retire before January, Vice President Nixon will no longer be presiding officer of the Senate.

* * *

INSTEAD, CRUSTY old Carl Hayden of Arizona, a conservative, would be in the chair. He favors Rule 22.

Sen. Russell, spokesman for the Southern caucus, told The Atlanta Journal-Constitution that the backers of Rule 22 in its present form are in a position of great risk.

Nobody can guarantee that if they give ground now they will be spared the ordeal next January. Nobody can say who will be presiding next January.

"We will encounter the risks," the Georgian said. "Only time can tell if we did the right thing."

* * *

MR. RUSSELL says if Nixon "dons the judicial ermine" and wipes away the rules of the Senate, chaos will result.

"It will be the law of the jungle," the Georgian declares. "If we have no rules, senators can filibuster because there will be no rules they can stop us under.

"I predict that some very unseemly happenings could occur on the floor of the Senate. I hope not, but they could."

Sen. Russell says that in the scramble to write a new set of rules for the Senate, the South will try to rescue what it can.

"The minority now has full right of expression," he declared, "and we don't propose to surrender it without a struggle."

* * *

THE GEORGIAN sees one bright spot.

Several bills reversing recent liberal decisions of the Supreme Court are within a stone's throw of the Senate floor. Mr. Russell wants the measures called up for consideration.

The liberals have already threatened to filibuster them.

"If they do that, they will come next year asking for abolition of the filibuster with blood from the last filibuster on their hands," he said.

"Rights" Commission Chairman Outlines Local Level Solution

Atlanta World
Atlanta, Ga.
Friday - 2-1-58

WASHINGTON, D. C. — (NNPA) — The Civil Rights Commission will seek solutions to racial problems at the local community level, Dr. John A. Hannah, president of Michigan State University and chairman of the Commission, indicated after he had talked with President Eisenhower Tuesday.

His call at the White House was just a routine visit with the President, Dr. Hannah told reporters. He said it was the first chat he has had with Mr. Eisenhower about some of their problems in six months.

Asked specifically about Virginia Dr. Hannah said that state's advisory committee has been approved but has not yet met. "I hope that Gov. (John S.) Battle is going to get them together one of these days."

Former Gov. Battle is one of the six members of the Civil Rights Commission.

Dr. Hannah said that while the commission "is pretty well circumscribed" by the law creating it, it "has moved a long way." He noted that it has agreed unanimously to have studies made on voting rights education and housing."

CONCESSION ADMITTED

He said the decision to make these studies involved quite a concession on the part of members who wished to stay within the letter of the law restricting the commission to investigation of deprivation of the right to vote.

If the commission just gathers facts, he said, it will not have made much of a contribution to the problem.

The hope is that through these advisory committees and some other devices that may be developed as we go along, we can create an awareness that this is a serious problem from the standpoint of our relations with the rest of the world."

IN THE NATION'S CAPITAL

Ike has the better civil rights record

By LOUIS LAUTIER

For the NNPA News Service

WASHINGTON

The stock in trade of Roy Wilkins, NAACP executive secretary, seems to be denunciation of President Eisenhower.

Undoubtedly the Chief Executive has not done all that he could or should have done, but the fact is he has done more to protect the constitutional rights of colored people than any other President.

Both the Truman and Eisenhower Administrations took part in the Thompson Restaurant and the school segregation cases.

IN THE Thompson Restaurant case, former Attorney General Herbert J. Brownell filed a brief in the Supreme Court, and later Philip Elman, a special assistant to the Attorney General, took part in the oral argument.

The court ruled that the 1873 Equal Service Act of the short - lived Legislative Assembly of the District of Columbia was still valid and in full force and effect.

Without waiting for the mandate to go from the Supreme Court to the lower courts, the Eisenhower Administration moved in and, the very next day, restaurants in the District of Columbia were open to any "respectable well - behaved" person.

At the same time, the Eisenhower Administration acted to have the movie theaters and hotels in the District of Columbia to drop their color bars.

* * *

WHEN THE Supreme Court ordered the school segregation cases restored to the docket for reargument, it invited Mr. Brownell to take part in the oral argument if he so desired.

Mr. Brownell quickly accepted the invitation and filed a supplemental brief for the United States. He argued that the Supreme Court had the power in construing the 14th Amendment, to decide that racial segregation in public schools was unconstitutional.

Former Assistant Attorney General J. Lee Rankin participated in the oral argument, throwing the weight of the United States against segregation.

* * *

A NEW DAYS after the decision, Mr. Eisenhower told Samuel Spencer, former chairman of the Board of Commissioners of the District, he wanted the changeover from a segregated to a nonsegregated school system in Washington to serve as a model for the states.

The schools in the District of Columbia were integrated without delay at all levels, including pupils, teachers and administrative officials, and without incident. Nowhere else in the country has such complete integration been achieved.

The Eisenhower Administration has ended racial segregation in schools and facilities on military reservations.

* * *

THE CIVIL RIGHTS Act of 1957 was an Administration bill. It was originally drafted by Mr. Brownell, who bore the brunt of the Dixiecrats' attacks upon it in the Senate Judiciary Committee.

There remains the question of the Justice Department entering the Little Rock case which is an appeal from the order of Federal District Judge Harry J. Lemley ordering integration of Little Rock schools postponed until 1961.

There are cogent reasons why Attorney General William P. Rogers should enter the case. But broadsides fired at the President are not going to persuade him to take that action. Nor will they help to sell the NAACP to "the man in the street."

The legal side of the fight to compel compliance is in excellent hands.

U.S. Court Upholds Ruling Given With Woman On Jury

By JO ANN FLIRT

A federal appellate court has upheld a Montgomery judge's decision in what is believed to be the first test of the controversial Civil Rights legislation.

The judge had ruled that a section of the Civil Rights Act adopted last September is constitutional.

In a decision handed down at New Orleans Friday and received here over the weekend, the U.S. Court of Appeals for the Fifth Circuit found that U. S. District Judge Frank M. Johnson Jr. "fully and correctly dealt with," the questions involved in the case which originated here last November.

The case, although an appeal from the conviction of two Montgomery Negroes charged with bootlegging, did not raise a racial issue but questioned the constitutionality of a section of the law which allowed women to serve on federal juries in Alabama for the first time in the history of the state.

Attorneys for the two convicted men argued that a section of the Civil Rights Act which set up new qualifications for federal jurors violated the Sixth Amendment.

They maintained that part of the amendment which provides for a trial of defendants before a "jury of the state and district" in which the crime was committed should be interpreted to mean that the jurors must meet qualifications set up by the state.

Under this interpretation women jurors, prohibited from jury service by law in Alabama and a handful of other states, would not be eligible to sit on federal juries.

Judge Johnson held, however, that the words "state and district" referred to a geographical area rather than to qualifications set up by the state.

The major question involved in the test of the constitutionality of the Civil Rights Act section involved in the case, according to the judge's opinion, was whether or not Congress has the authority to set up qualifications for federal jurours without regard to qualifications set up by states.

The section of the Civil Rights Act involved in the test is one which amends a federal code section which prescribes the qualifications of federal jurors.

Under the old section jurors, in addition to meeting certain federal qualifications, had to meet the qualifications set up by the states in which they lived.

The requirement to meet state qualifications was elminated by the Civil Rights Act section amending the code and new qualifications were adopted. The new law made eligible for jury service "any citizen of the United States who has attained the age of 21 years and who has resided for a period of one year within the judicial district" unless he has committed certain state or federal crimes, is unable to "read, write, speak and understand the English language" or is physically and mentally incapable.

JURY ROLLS

Tacked on the bottom of the Civil Rights Act whose main feature was an investigative commission, the juror qualification section was apparently aimed at qualifying for federal jury duty Negroes who might not be carried on state jury rolls.

The brief Fifth Circuit opinion stated: "In his well considered and thoughtful opinion, the district judge carefully stated and carefully canvassed the questions raised. . . . It will be sufficient to say that we agree with the opinion of the district judge and for the considerations and for the reasons stated by him, the judgment in affirmed."

COURT OFFICIALS

The opinion was handed down by Fifth Circuit Chief Judge Huddleston and Judges Tuttle and Cameron. Court officials here said that to their knowledge this is the first test case involving the bitterly fought Civil Rights legislation.

Defendants who appealed the case were Morris Griffin and Willie Wilson, convicted by a jury containing three women members of possession of 75 gallons of illegal whisky. The case was tried last November and shortly afterward the constitutional question was raised by the attorneys for the Negroes.

"Rights" Commission Chairman Outlines Local Level Solution

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His call at the White House was just a routine visit with the President, Dr. Hannah told reporters. He said it was the first chat he has had with Mr. Eisenhower about some of their problems in six months.

Asked specifically about Virginia, Dr. Hannah said that state's advisory committee has been approved but has not yet met. "I hope that Gov. (John S.) Battle is going to get them together one of these days."

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CONCESSION ADMITTED

He said the decision to make these studies involved quite a concession on the part of members who wished to stay within the letter of the law restricting the commission to investigation of deprivation of the right to vote.

If the commission just gathers facts, he said, it will not have made much of a contribution to the problem.

The hope is that through these advisory committees and some other devices that may be developed as we go along, we can create an awareness that this is a serious problem from the standpoint of our relations with the rest of the world."

If the commission will crate a climate where people in the communities will recognize the problem in the community, find out the facts, they will recognize that the problem will have to be solved where it exists, Dr. Hannah said, adding:

"If they recognize what the facts are and create a desire to make some progress in solving it where the people are, this will be the most useful contribution the commission can make."

10 1958

Southern Group Delays Action On Rights Aide

Courier Journal

© New York Times News Service

Washington, Feb. 25.—Southern opposition Tuesday delayed for the second time Senate Judiciary Committee action on the nomination of W. Wilson White to head the Justice Department's new Civil-Rights Division.

Before putting final action off to a later date, at the request of Southern members, the committee subjected White to a severe bipartisan questioning on the Administration's action in sending troops into Little Rock, Ark., last September to prevent rioting against racial integration at the City's Central High School.

Wed 2-26-58

White was head of the Justice Department Legal Division, which prepared the brief on which President Eisenhower based his proclamation sending the troops to Little Rock.

Unit Delays Vote on Civil Rights Chief

(Copyright, New York Times News Service)

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Jacksonville Fla.

Sens. McClellan (Ark), Hennings (Mo) and Johnston (SC), requested that the nominee return at a later date to face further questioning on the same subject.

White was head of the Justice Department legal division which prepared the brief on which President Eisenhower based his proclamation sending the troops to Little Rock. He told the committee today that he felt the President had such authority in cases where a federal court ruling was being defied by "mob violence."

When Southern senators demanded to know if the purpose of the troops was not to enforce integration, White denied it. He said the troops were in Little Rock "to ensure that ordinary judicial process can be carried out."

McClellan asked whether the administration had any plans to withdraw all of the remaining troops still stationed at Little Rock.

White said he knew of no such plans. He also said he knew of no plans to strengthen the contingent at the school at the start of the new school year next fall. Both matters, he said, would be "a White House decision."

Johnston said the "occupation" of Little Rock has cost the government five million dollars so far.

Sen. Langer (R-ND) said he thought the President "got very poor advice" on sending the troops in.

"Couldn't the United States marshal have sworn in men as deputies?" Langer asked. "One man, or a hundred men, or a thousand men?"

"He could have," White admitted.

"Then what business did the President have sticking his nose into it?" Langer demanded.

"Several hundred police the day before hadn't seemed to be able to handle it," White observed. "The exigencies of the situation were such that the President made the judgment that he must act to save law and order."

White said that the President would have authority to take such action only when there had been a federal court order that was being violated by mob action.

"I think when the President said that his duty was inescapable," he said, "that it was. You had the spectacle of a court of the United States with its process broken down."

"If we let this go by," Johnston said, "there wouldn't be any rights left. You don't have to have anything on the statute books. The President can step in and take over everything—everything."

W. Wilson White
(AP Wirephoto)

Seek Extension Of Rights Group

Daily World, P. 1

WORLD Honored For 30 Years As Daily Forum

WASHINGTON. — (SNS) — A bill to extend the life of the Civil Rights Commission to June 1, 1960, will be introduced in Congress at an early date, Rep. Kenneth B. Keating (R-N. Y.) told the Capital Press Club awards dinner gathering at the Willard Hotel Saturday night.

Tues 5-27-58

The New York Republican said he felt the Commission needed two full years to operate and accomplish purposes of the act. Under present law, the commission would go out of business Aug. 1, 1959, while the director, Gordon M. Tiffany, was not confirmed by the Senate until two weeks ago.

Atlanta, Ga.

Rep. Keating received the Capital Press Club's Civil Rights Award with Sen. Paul Douglas (D. -Ill.) for their action in promoting the 1957 Civil Rights Bill. Sen. Douglass said Part III of the original civil rights bill "must eventually become essentially the law of the land. He said he had tried to be a "friend to all people" in his congressional service.

The two awards were among the many awarded by the club at its 15th annual dinner.

WORLD CITED

The Atlanta Daily World received the "Newspaper of the Year Award" in the form of an engraved citation which read: "For 30 Years of Valiant Service As A Daily Forum in the Cause of Human Rights." The plaque was presented to William A. Fowlkes, managing editor of the World, who received it in behalf of the Scott family founders and the workers who have contributed to the continued success of the publication. Moss H. Kendrix, public relations counsellor, made the presentation pointing out the ingenuity and pioneering foresight of the founder, W. A. Scott II, and the services of the Scott Newspaper Syndicate.

The Chicago Daily Defender was similarly awarded "for two years of valuable service as a daily forum."

The club's "Human Relations Award" to President Dwight D. Eisenhower was accepted for the President by his White House aide E. Frederick Morrow. The President's greetings were delivered by Press Secretary James C. Hagerty. More than 400 guests crowded the Grand Ballroom of the Willard for the brilliant affair which climaxed a one-day institute on "More Effective Press Aid In Implementation of School Desegregation."

Other awards included: special citation to the nine Negro students at Central High School in Little Rock; scholarship, Judith Eckerson, senior at Roosevelt High School, Washington; Woman of the Year, Mrs. Daisy Bates, president of Arkansas NAACP; journalism, Carl T. Rowan, reporter for the Minneapolis Tribune; special services, E. Josephine Lowery, Capital Press Club secretary; outstanding services, Simeon Booker, program chairman; Newsman's newsman awards to Monica Bettancourt, of the Washington Afro; advertising and promotion: Dolphin Thompson, public relations; Maurice Sorrell, photography, and Edward Peeks, news writing.

Daily World Feb 5-27-58

IKE CALLS FOR 'PATIENCE' ON CIVIL RIGHTS

Tells Negroes Solution Is in Human Heart

BY ROBERT YOUNG

[Chicago Tribune Press Service]

Washington, May 12—President Eisenhower today told Negro leaders they must exercise patience and forbearance in their efforts to achieve equality because the problem of civil rights is one which is "buried in human hearts."

The President said that neither laws nor mere logic and reason will resolve the issue of racial discrimination immediately. He said any solution of the civil rights problem must be evolutionary because there is no revolutionary way of reaching the goal of equality for all.

Ike Addresses Group

Mr. Eisenhower spoke informally to 400 heads of national Negro organizations and other Negro leaders at a meeting sponsored by the National Newspaper Publishers association. The meeting was called to discuss such problems as civil rights, housing, education and citizenship.

The President said he was pleased to address any group seeking a solution to national problems and he never used "adjectives" to label any group he addressed—whether it be businessmen, farmers, or any other special gathering.

"You may be Negroes, but we are all Americans," he said.

The President said he wanted to talk about "the things that bother me . . . the problems of our living in this world . . . the problem of our country in this world under the threat of communism."

Plugs for Programs

He said one of the major problems is the ups and downs of the economy. Other important problems, he said, are military security, foreign military and economic aid, and trade with other countries.

Mr. Eisenhower put in strong plugs for his defense department reorganization, foreign aid, and mutual trade programs. He said military strength must be "the absolute in efficiency," but its cost must be kept to "an absolute minimum."

Sees Some Progress

The President was applauded loudly when he turned to civil rights, telling the Negro leaders he wanted to talk about a "special problem on your minds—racial discrimination." He said "we must do something about constitutional rights," and added that every American "must have exactly the same rights" regardless of race, color or religion.

Progress has been made toward the goal of ending racial discrimination, Mr. Eisenhower continued, but he advised the Negro leaders in his audience they must have "patience and forbearance" in their fight for equal rights. He told them the civil rights problem goes beyond laws and the Constitution, beyond logic and reason because it is rooted in emotions and "buried in human hearts."

"We must depend more on better and more profound education than on the letter of the law," he asserted.

Must Respect Courts

The President said laws are necessary, but that "laws themselves can't solve immediately the problems which are so close to the human heart." He emphasized, however, that if the American people are to be true to their constitutional heritage, they must have respect for laws and the courts.

The President said he hoped that by studying racial problems as they were doing at their two-day meeting here, Negro leaders will be "more able to help the rest of us in reaching better solutions."

Before the President spoke, A. Philip Randolph, president of the International Brotherhood of Sleeping Car Porters, told the conference delegates that "liberalism today is in collapse." He charged that while the federal government has a civil rights law on the statute books, the law "is toothless.

The National Newspaper Publishers association presented President Eisenhower a citation commending him for "the prestige and power he has used in behalf of civil rights."

Ban on Army funds in rights cases sought

WASHINGTON, May 31—(AP)—Rep. Robert Sikes (D., Fla.) will ask Congress next week to forbid spending of military appropriations to finance the use of troops to enforce civil rights decrees of courts.

He told a reporter he plans to offer an amendment to the appropriations bill in the House Tuesday, for this purpose. Sikes is a member of the appropriations committee.

Under the amendment he will propose, money appropriated in the bill could not be used for occupational assignments to enforce court orders dealing with civil rights unless troops specifically are requested by the governor of the state affected.

Cost $5 million

LAST FALL President Eisenhower sent troops to Little Rock, Ark., to enforce a federal court order directing that a few Negro students be permitted to attend Central High School.

Occupation forces remained at Central High until the end of the school year last Wednesday.

The occupation, Sikes said, cost about $5 million.

Scoffs at troops

"A DOZEN deputy marshals could have accomplished just as much in maintaining law and order," Sikes said, adding that he considered the sending of troops an illegal action, needlessly costing the taxpayers $5

Southerners Ask Hearing on Civil Rights Measures

Colmer Urges Celler to Get Both Sides

WASHINGTON (AP)—Southern congressmen Thursday demanded equal time to testify at House judiciary committee hearings on civil rights bills.

Rep. William Colmer (D-Miss.) made the request in a letter to chairman Emanuel Celler (D.N.Y.) of the judiciary committee.

Colmer, who has long led Southern House members opposed to civil rights proposals, also told Celler no good purpose could be served now "by again agitating this explosive subject, merely as vote bait strategy. . . ."

In a letter which Colmer made public, the Mississippi congressman told Celler that the early list of witnesses included only proponents of civil rights legislation.

"This list does not disclose any opponents of what many of us regard as unwise and unconstitutional proposals. Therefore, I am authorized on behalf of a substantial number of members of the Congress to advise you that we expect an opportunity to be heard in opposition to these punitive proposals and I would appreciate your setting aside at least equal time for us to be heard," Colmer's letter said.

He told Celler he was surprised that hearings were started on such legislation at this time.

"Certainly you have no hope of enacting any further or more stringent measures at this tail-end of the congressional session. In addition, I am confident that a realistic view of the situation reveals that no good purpose could be served by again agitating this explosive subject, merely as vote bait strategy, in view of the recent happenings at Little Rock, in your own city of New York and throughout the country generally, when it is realized that the civil rights commission which you sponsored and helped to create for the purpose of making such recommendations to the Congress has not even begun to function, much less to study and recommend."

The hearings started Thursday, with Sen. Javits (R-N.Y.) as one of the witnesses.

Federal Group Starts Inquiry

Rights Commission Looks At Discrimination

TEXAS, INDIANA FIRST

By MORRIS CUNNINGHAM

From The Commercial Appeal Washington Bureau

WASHINGTON, June 10—The Federal Civil Rights Commission Tuesday launched a broad inquiry into racial and religious discrimination in voting, education and housing.

Gordon M. Tiffany, commission director, said the studies will begin in Texas and Indiana where state advisory committees already have been named, and will be extended to other states as additional state advisory committees are appointed.

Completion Date

The state committees, he indicated, will be relied upon to help guide the studies. He said the commission hopes to complete its appointment of state committees by Sept. 9, a year before the commission is required to report to President Eisenhower and go out of business.

The educational studies, he said, will be concentrated in border state areas where school desegregation has been accomplished voluntarily.

Discrimination in housing, public as well as private, will be studied most extensively in the big Northern cities, he said.

As of now, he said the commission has only a few complaints on file of persons being denied the right to vote because of race, color, religion or national origin.

He said "some" are from the South, and thus indicated that "some" may be from other areas. He said all of these will be investigated when they are filed with the commission in proper sworn form.

Considered Georgia Case

Mr. Tiffany said the commission considered a Washington newspaper's sensational expose last Sunday of the mistreatment of Negroes in Dawson, Ga., but took no action pending the filing of sworn complaints that fall within the commission's jurisdiction.

Recent race riots in the Philadelphia, Penn., area were not discussed, he added.

He said Federal agencies, with the exception of the FBI, will be asked to assist in the studies of discrimination in voting, education, and housing.

Asked why the FBI was being excluded, he said "The commission has no intention of running to the FBI for help on these matters."

Appointment of the state committees, said, is proceeding slowly because the FBI is being asked to run security checks on all prospective members before they are appointed.

Acceptance Questioned

As for his recent acceptance of complaints from the Southern Conference Educational Fund involving Negro voting in the South, he said, the SCEF "wasn't listed" on the attorney general's list of subversive organizations.

Questioned further, he said the commission hasn't yet determined whether it will accept complaints from organizations that are on the attorney general's list.

He announced the commission has employed Paul H. Sanders of Nashville, Tenn., as a special consultant. Mr. Sanders is a Vanderbilt University law professor.

The commission's next meeting, he said, will be held July 1 on the Michigan State University campus at Lansing, Mich.

10 1958

Politicians Rapped for Pussyfooting on Rights

Mitchell Hits 'Cooling Off' Civil Rights Talk

Herald P/3A

ATLANTA —(AP)— A Negro leader challenged the federal government Wednesday to "stop talking about cooling off and put the heat on those who are trying to destroy our government from within by sabotaging free elections."

Atlanta Ga.

Clarence W. Mitchell, director of the Washington bureau of the National Association for the Advancement of Colored People, lashed out at both Republicans and Democrats in an address at the Emancipation Day program at Wheat Street Baptist Church.

1-2-58

"Some of the leaders in the Republican Party are so fearful that the Democrats will embarrass them for alleged failures in the defense program that they want to sacrifice civil rights in order to appease Southern leaders in Congress," Mitchell declared.

Turning to the Democrats, Mitchell accused some of them of "soft-pedaling civil rights because they do not want to go to the polls as a divided party in the 1958 national elections."

Mitchell's "cooling off" statemen was in reply to a recent statement by Attorney General William Rogers that the administration was contemplating no new civil rights legislation in the 1958 Congress. Rogers suggested that "a cooling off period" in the civil rights field might be in order.

Post Times Herald Washington D.C.

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Feb 2-58

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Many Negroes in the South are deprived of their right to vote by "trickery and intimidation," Mitchell declared. It is up to the Federal Government, he said, to take care of that situation under the new right to vote law passed by the 1957 Congress.

Civil Rights Upheld by Sen. Case

Exonerates It In N. J. Defeat

Special to the Herald Tribune

MEDFORD LAKES, N. J., Feb. 12.—Sen. Clifford P. Case, R., N. J., tonight told a Burlington County Lincoln Day dinner group that the Republican party's position on the civil-rights bill and President Eisenhower's action at Little Rock "in no way contributed to the Republican defeat in New Jersey."

N.Y. Trib. 2-13-58

In a speech at the Medford Lakes Lodge, Sen. Case said Republicans are being told that civil rights as a political issue has no value and that we should, therefore, turn our backs on it.

Rep. N.Y.

Sen. Case said:

"Ever since the last elections, in New Jersey and elsewhere, we have been bombarded with suggestions that the Republican party has lost ground because the President of the United States found it necessary to send troops to Little Rock.

"This is reminiscent of the tone of much of the reporting of the civil rights debate in the last Congress. Then, as now, there were many who sought to make this question appear solely a struggle for political advantage and not, as most of us felt, the greatest moral issue of our time."

He said that if the Republicans abandon the party's concern for the freedom and dignity of the individual citizen "then we fail in our chief mission to the American people who today, no less than 100 years ago, must look to us for leadership in this cause."

Many back Andrews—

Feeling outside Dixie mounting for rights truce

News Tribune Ft. Worth Texas 2-23-58

BY JAMES FREE
News Washington correspondent

WASHINGTON, Feb. 22 — There is a good chance that the 1958 congressional elections will bring a further easing of pressures on Congress for more civil rights laws.

(A letup has been noted already as a result of the failure of Republican candidates last Fall in elections in New York and New Jersey to cash in on what they claimed were notable GOP contributions in 1957 to the civil rights cause.

Among them were:

FREE

1. The Eisenhower administration success in pushing through Congress the first civil rights bill of modern times; and

2. President Eisenhower's use of federal troops to enforce a court order for integration of a high school in Little Rock, Ark.)

EVIDENCE MOUNTS that many persons outside the South think Congress should lay off civil rights for a while. Latest straw in the wind this reporter has noticed is reaction to the House's postponement of action on a White House request for a $750,000 appropriation to run the new Civil Rights Commission in the year starting next July 1.

Chairman George Andrews (D., Ala.) of the appropriations subcommittee on general government matters did not win his fight to have the House deny the request. But pro civil rights forces who wanted to overrule the subcommittee and approve the $750,000 didn't win either.

It was a stand-off, with all items in the $14.8 million bill deferred for several weeks at least. Andrews' position was that it did not make sense to vote funds for a commission that did not yet have a staff.

Widely noted

ANYWAY THE Alabamian's floor leadership on the bill was the subject of newspaper stories appearing all over the country. It was widely noted that Andrews would stall as long as he could on 1958-59 funds for the Civil Rights Commission.

In years past such publicity would have brought sharply critical letters from outside the South. So far none of a dozen or so letters of comment Andrews has received are adverse. All of them to date say, in effect, good for you—keep it up.

A doctor in Washington, Ind., wrote: "Congratulations on your subcommittee decision to withhold appropriations from the commission. If they don't get any money to function for the next year maybe the naive Congressmen who voted for that inquisition law will have time to learn the essentials of moral law and the Constitution they swore to uphold."

Congress' power

AN 85-YEAR-OLD man in Spokane, Wash., had this to say:

"I see where you resent the political racketeer's civil rights law. The Constitution gives Congress alone the power to make federal laws for the land. It makes no provision for the president or the Supreme Court to make such laws . . ."

REP. ANDREWS
. . . Chicago aids him

News Ft. Worth

If the flurry of letters Andrews got from Chicago is any sign, the pro civil rights elements there can expect increasing opposition.

2-23-58

Said one Chicago man:

"Your opposition to granting $750,000 for pouring down the drain for so called "civil rights" skullduggery has the support and backing of hundreds of thousands of white taxpayers . . . The overwhelming majority of citizens of Chicago are law-abiding white people, yet the politicians . . . constantly cater to an unimportant minority . . . With elections coming up, thousands of white people in Chicago are going to be well organized to make sure the politicians who have been catering to the minority will be voted out of office."

Dall. 2-23-58

More of same

ANOTHER CHICAGOAN wrote:

"I want you to know that there are tens of thousands of white citizens in Chicago who would like to congratulate you for your stand on civil rights. For the past few years here . . . it is terrible the number of rapes, murders, robberies and beatings and 90 per cent of them by Negroes. And our Chicago papers for the past two years never mention that these crimes are committed by Negroes.

". . . Incidentally, I am no 'nigger' hater. I worked with them 45 years ago in the packing house here and got along fine, but they did not have a

bunch of agitators telling them they were discriminated against . . ."

A Chicago general contractor urged Andrews to keep it up. "I hope that you, and others like you, will have enough gumption," he wrote, "to fight this nonsense to a standstill. Unless you Southerners put a real fight, we are lost for sure. The politicials, both Republocrat and Demopublicans, are ready to sell America down the river if they can only get the colored and Commie vote."

HIGH COURT PRAISED OVER CIVIL RIGHTS

Civil rights decisions of the United States Supreme Court were praised last night by Judge Irwin D. Davidson of the Court of General Sessions.

At the commencement exercises of the Brooklyn Law School at the Brooklyn Academy of Music, he told the graduates that they "will labor with the greatest Supreme Court this country has ever known."

The court, he said, "has shed the scales and broken the shackles of oppression, privilege, prejudice and reaction.'

In the Watkins casse last year, he said, the court "was fearless in striking down the contempt conviction which resulted from a man's refusal to tell a Congressional committee about the past activities of his associates and friends."

Judge Davidson said that although progress had been made, "we have not yet destroyed the type of thinking which gives rise to loyalty oaths, politically inspired Congressional investigations ,the snooping wire-tapper and the prosecutor who tries his case in the newspapers."

Bachelor of Laws degrees were given to 269 students, Master of Laws degrees to twenty-two, a Doctor of Juridicial Science degree to one.

Honorary degrees of Doctor of Laws were presented to Justices George J. Beldock and Henry G. Wenzel Jr. of the Appellate Division and Judge Clarence G. Galston of the United States District Court.

DIPLOMATIC SLEUTHS

Staff Head Explains How 'Rights' Body Will Work

Tallahassee Daily Democrat
Tallahassee, Fla.
June 16
June 6-13-58
p 2 c 6

WASHINGTON —(AP)— A sleuth with the touch of a diplomat . . .

That's the type of man the government's new Civil Rights Commission intends to send into the field when it wants to make an investigation.

Racial questions are one of the nation's touchiest problems. And folks living in areas where alleged discrimination occurs do not look kindly, in many cases, on outsiders who come in to investigate.

For that reason Gordon M. Tiffany, a New Hampshire lawyer who was sworn in recently as staff director of the new commission, has laid down some rigid qualifications for his investigators.

Must Have Fact

'They must have tact and be able to work with diplomacy," he told a reporter.

"They must have ability to deal with delicate situations. They must be able to go into communities quickly, quietly and without creating a disturbance, take a wealth of material and by analysis sort out the significant factors and properly present them in a report."

When will investigations be made?

That, said Tiffany, is up to the commission itself which must approve the sending of any investigator into the field.

The commission, created under last year's Civil Rights Act, is empowered to investigate sworn complaints of denials of voting rights and to study civil rights problems in general.

Earlier this week, Tiffany announced the commision will launch a nationwide inquiry this month in the three major areas of racial discrimination—voting, education and housing.

Tiffany said that when a valid complaint is received he is empowered to preceed with a study up to the point of sending a field investigator into the area involved. This would include, he said, a legal anaylsis of the situation.

Open To Public

From there on, it's up to the commission. After receiving the investigator's report, the commission will then decide whether to call hearings in the field.

If one is ordered, Tiffany said the session would be open to the ublic unless it appeared certain that defamatory material was going to be put into the record.

Under the law, the commission must make its reports to the President and Congress.

Right now, Tiffany said, the commission hasn't decided whether it will make individual complaints public because so far it hasn't been confronted with the issue.

The commission already has received complaints. But many of them have been ruled deficient because they lack all the technical information the commission legally requires, Tiffany said.

Senator Says

US Must Plow Ahead In Civil Rights Field

Enquirer
Houston, Texas
Sat. 6-14-58
P. 16

WASHINGTON, D.C. (NNPA) — Representative Emanuel Coller ,chairman of the House Judiciary Committee, announced Wednesday a series of hearings on his and other civil rights bills which have been referred to his committee.

Mr Celler fixed the dates for the hearings as June 25, 26 and 27 and July 9, 10 and 11.

The Celler bill embodies Title III which was stricken from the civil rights bill in the Senate last year before that measure was enacted.

It would authorize the Attorney General to bring suits to enjoin threatened violations of constitutional rights, other than the right to vote. The Attorney General was given authority to do that with respect to the right to vote in the Civil Rights Act of 1957.

Mr Celler called the Civil Rights Act of 1957 only "a landmark, the first in over 70 years, on the road to achievement of the true American ideal of civil rights for all regardless of race, creed or color."

"We cannot rest on our laurels," he said, adding:

"We must continue to plow ahead We have made progress to date, but we must proceed further, tomorrow, if our ultimate goal is to be reached.

"There is a definite need to acquaint the public with the problems which still face us in the field of civil rights and to supplement our present day advances with future legislation.

"It is for these very reasons that it is necessary to initiate hearings looking to the subsequent enactment of legislation, further implementing civil rights legislation which began in the first session of this Congress.'

One of the measures pending before Mr Celler's committee is the bill introduced by Representative Kenneth B. Keating, Republican, of New York, to extend the life of the Civil Rights Committee until June 1, 1960.

Under the terms of the Civil Rights Act of 1957, the Commission is required to submit its final report to the President and Congress by Sept 9, 1959. It dies 60 days later.

The Senate did not confirm members of the Commission until March 4. The staff director was not confirmed until May 14.

The Commission is not yet fully organized to begin work. Mr Keating says the intent of Congress was to give the Commission two full years to do its work

10 1958

Involve Negro Civil Rights

NEW YORK — Six cases involving the constitutional rights of Negroes were argued in federal court by attorneys for the NAACP Legal Defense and Educational Fund.

Four were school cases, one involved transportation and one recreation.

All were on appeal from judgements rendered in favor of Negroes and the hearing was before the United States Court of Appeals in New Orleans.

The six cases were: the Board of Supervisors of Louisiana State university versus Ludley; the Orleans Parish school board vs Bush; Louisiana State Board of Education vs Bailey; Louisiana State Board of Education vs Lark; the City Park Improvement Association vs Detiege, and Morrison vs Davis.

Thurgood Marshall, Director - Counsel of the Legal Defense Fund argued the first four cases; the other two were argued the following day by A. P. Tureaud of New Orleans.

The state university appeals involved three separate suits filed in February, 1956, against the officials of Loupisiana State univ., Southwestern Louisiana Institute and McNeese State college.

All challenged the constitutionality of a state statute requiring students seeying admittance to the institutions to secure a certificate of eligibility and another terminating the employment of any public school official who did anything which would lead to integration in any state supported educational institution.

The cases were consolidated for trial and on April 15, 1956, a federal district court held these laws unconstitutional. The college officials appealed the decision in October 1956.

The Orleans Parish School Board case was first filed in 1952 but in August, 1955, was amended to challenge the constitutionality of several state statutes enacted to preserve segregation. A ruling of the court in favor of the Negro students in 1956 by a one-judge court was appealed to the U. S. Supreme Court by the School Board on ground that the case should have been tried by a three-judge district court. The appeal was denied by the Supreme Court.

The School Board in June, 1957, filed a motion with the district court, seeking to vacate the decision because the Negro students had failed to file a bond required by the court 16 months previously. The motion was denied and the School Board appealed.

The New Orleans City Park suit was originally filed in November 1949 and sought the admission of Negroes to the city public golf links. Trial was postponed pending the outcome of several pending court actions which involved S. Supreme Court.

Following the decision in the Baltimore and Atlanta public recreation cases in 1956, which outlawed segregation in public recreation facilities, the New Orleans case was reactivated in December 1956. In May 1957 the court ruled in favor of the Negroes. The city appealed the decision in October 1957.

The Morrison vs Davis suit is better known as the New Orleans Bus case. It was filed in February, 1957, challenging the constitutionality of the state and local statutes requiring racial segregation on public transportation. On May 24, 1957 the trial court ruled the segregation statutes unconstitutional. The Mayor of New Orleans and other defendants filed their appeal in October 1957.

Powell Asks Ike to Act On Rights

Associated Press

Rep. Adam Clayton Powell (DN. Y.) complained to President Eisenhower yesterday against "the present seeming indifference, if not procrastination, by the Administration" in the civil rights field.

In a telegram to the President, the Negro House member who supported Mr. Eisenhower in the 1956 election said the administration may "find itself branded by its friends as being anti-civil rights."

Powell complained that the Government Contract Compliance Committee has failed to hold any meetings south of the Potomac River, that the President has declined to call a conference with Negro leaders to discuss integration problems, and that the Administration has refused to press for additional civil rights legislation.

"Regardless of how laudable the past record" of the Administration may be in the civil rights field, Powell said, "it is not sufficient for the immediate pressing challenges of today and tomorrow."

Senators Grill White On Rights

Southern Senators made it clear yesterday that while they probably can't stop W. Wilson White's appointment to head the Justice Department's civil rights division they will get all his views on the record before they let his name go to the floor.

Sen. Sam J. Ervin Jr. (D N. C.), questioned White on Little Rock for more than an hour yesterday at a confirmation hearing before the Senate Judiciary Committee. Sen. Olin D. Johnston (D-S. C.), announced he will ask White "some questions" at a second hearing in about a week.

The Southern Senators are particularly interested in White for two reasons!

1. As assistant attorney general in charge of civil rights he will be chiefly responsible for administering the Civil Rights Act under which the Government can seek injunctions to protect Negro voting rights.

2. In his old job as Assistant Attorney General in charge of the office of legal counsel, White last September researched the question of the President's legal authority to send troops to Little Rock to prevent obstruction of a Federal court's school integration order.

Points to Constitution

White decided then and testified yesterday that both the Constitution and acts of Congress atuhorized the use of troops.

Ervin spent most of the session trying to persuade White that the President's action was "illegal and unconstitutional."

Their principal difference was on the meaning of the word "laws" in one act cited by the President. This act permitted the President to use force to enforce the "laws of the United States." Ervin contended court orders were not "laws." White said they were.

Ervin said he couldn't understand why the President didn't let the United States Marshal at Little Rock try controlling the situation with special deputies before sending in the Army. The Marshal could have deputized "every ablebodied man in the 40 counties" making up the court district, said Ervin.

White said the "difficulty was the extremely fast movement" of events around Central High School.

Served as U. S. Attorney

White is a 51-year-old Philadelphia lawyer who served four years as United States attorney for the eastern district of Pennsylvania before joining the Justice Department last March.

He was warmly endorsed by Pennsylvania's Democratic Senator, Joseph S. Clark, a personal friend, as "fair, just, intelligent" and an "extremely wise choice."

Civil Rights—Remember?

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It's not only that Congressmen are planning no new legislation. They show an increasing reluctance even to discuss the subject.

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Rights bill with teeth introduced

WASHINGTON

Despite an announcement by the Eisenhower Administration that it will not push for new civil rights legislation this year, a bipartisan group of 16 Senators Monday introduced a new civil rights bill with strong set of teeth in it.

The bill, in many ways, is similar to the deleted Part 3 of the civil rights bill passed last July — the first such legislation to pass Congress in 82 years. Part 3 of the old bill would have authorized the attorney general to act to prevent violations of civil rights other than the right to vote.

Through the use of money, the new bill would encourage racial integration of schools and, if necessary, compel compliance with the Supreme Court desegregation decision. The attorney general also would be empowered to protect civil rights outside of the schools.

ONE OF the key points in the bill calls for the appropriation of $212.5 million, to be spread over a period of five years, for Federal assistance to states and local government units in developing community understanding and plans for public school integration.

Further inducement for compliance calls for the dangling of $40,000,000 a year (for the next five years) over the heads of balking school districts — the money to be used for school buildings, more teachers and other costs to eliminating segregation.

The bill also includes provisions for coping with states which have threatened to cut off state funds or close schools as a last resort method to insure segregation in the schools — undoubtedly aimed and Virginia and Georgia and other "dyed in the wool" segregation states.

Sen. Paul Douglas (Dem., Ill.), one the principal supporters of the bill, said that funds would be available for those "local communities that wish to comply," but where states like Virginia and Georgia have "threatened to cut off funds or close the schools."

* * *

IF ALL of these methods fail to bring about racial integration of schools, the bill would empower the secretary of health, education and welfare to prepare desegregation plans for non - complying areas — giving the attorney general the power to act on receipt of a complaint from individuals unable to seek legal protection on their own.

Besides Douglas, sponsors of the bill are Senators Hubert H. Humphrey of Minnesota, Thomas C. Hennings Jr. of Missouri, Pat McNamara of Michigan, Richard L. Neuberger and Wayne Morse of Oregon, William Proxmire of Wisconsin and Joseph C. Clark of Pennsylvania, all Democrats;

And also Senators Irving M. Ives and Jacob K. Javits of New York, Gordon Allott of Colorado, Clifford P. Case of New Jersey and Everett Dirksen of Illinois. all Republicans.

Civil Rights: the Bipartisan Stall

With no resistance worth mentioning, the Senate Internal Security subcommittee has been granted a new appropriation, despite the fact that its counsel, Robert Morris, despairing of the committee's continued effectiveness, has just resigned to seek the Republican senatorial nomination in New Jersey. On the House side, an additional $305,000 has been granted the House Committee on Un-American Activities with only two "no's" on a voice vote. But a few days later, vexed and vigilant, bristling with indignation, the House refused to appropriate a penny to finance the work of the Civil Rights Commission for which the President had requested an appropriation of $750,000. The subcommittee's explanation, as voiced by its chairman, Representative George W. Andrews, Democrat, of Alabama, is that the Administration has not yet organized the commission. The Administration contends, however, that it can't organize the commission until funds are appropriated. In point of fact, the President could use contingent funds to get the commission under way but the commissioners have been unable to find, from names that all six members can agree upon, a person willing to serve as staff director. And, for that matter, the commission itself has not been confirmed. At this rate the commission may well expire before it can be organized. (See editorial comment, *The Nation*, January 18, 1958, p. 42.) Taking advantage of clumsy Administration tactics, the Dixiecrats have again flashed a green light to the inquistorial committees while holding the line against civil rights.

the next five years would be authorized for school buildings, additional teachers, and other costs incident to eliminating racial segregation.

Under this section, Senator Douglas (D., Ill.) said, funds could be made available to "local communities that wish to comply with the (Supreme) Court's decisions but not where, as in Georgia and Virginia, the State threatens to cut off funds or close the schools."

Should efforts to achieve voluntary compliance fail, the Secretary of Health, Education, and Welfare would be empowered to draw up school-integration plans.

In the event that these plans are ignored by State and local officials, the Attorney General would be authorized to seek Federal Court orders to enforce compliance.

The Civil Rights Act of 1957 limits such injunctive relief to the protection of voting rights.

Satellites Or Civil Rights?

The Opinion Research Corporation of Princeton, N.J., reports that before the Russian satellite, preponderance of the general public felt the most important problems facing the nation were:

¶ Inflation.

¶ Keeping out of war.

¶ Segregation.

Now, a few short months later, the biggest segment of the population regards the following as paramount concerns:

¶ Catching the Russians in the defense race.

¶ Training more and better scientists.

This is the opinion of the nation as a whole. A regional breakdown, unfortunately, reveals the South—white and Negro—still places the race issue first by a considerable margin, Russia second.

New Civil-Rights Bill Introduced In Senate

School Integration Would Be Forced By Northern Bipartisan Proposal

By The Associated Press

Washington, Feb. 10.—A bipartisan group of 16 senators introduced a new civil-rights bill in the Senate Monday. It may touch off a new North-South fight over racial issues.

Congress struggled for months during the last session before passing the first civil-rights legislation in 82 years.

The Eisenhower Administration has said it won't sponsor new legislation this year, but Attorney General Rogers has indicated the President would sign a bill restoring provisions knocked out of last year's measure.

The new bill, backed by 10 Northern Democrats and six Northern Republicans, is designed to encourage racial integration of schools. It would compel compliance with Supreme Court rulings in that field if necessary.

Another provision would arm the Attorney General with authority to seek Federal Court injunctions for the protection of civil rights, generally. This was one of the provisions cut out of last year's legislation.

Senator Javits (R., N. Y.), one of the bill's sponsors, said proponents of civil-rights legislation are constantly told they should not press for further action at this time, since they gained ground on the issue last year.

"We haven't too much time," he said, when nations around the world "have us under constant observation."

There was no comment from Southern senators, who traditionally line up against civil-rights legislation.

The new bill would authorize appropriation of $12,500,000 over the next five years for federal assistance to states and local government units in developing community understanding and plans for public-school integration.

Further, federal grants of $40,000,000 a year for each of

Appropriation For Civil Rights Commission Okayed

WASHINGTON. — (INS) — The House Appropriations committee approved $750,000 Thursday for the President's Commission on Civil Rights to spend in the fiscal year beginning July 1.

But the committee refused the president's request to give the commission $200,000 in new funds for the remaining three months of this fiscal year. The lawmakers said "adequate" funds are now available for the remaining months.

The $750,000 is the full amount requested by the President.

The measure now goes to the House floor which last month blocked approval of the White House appropriation bill in order to give the administration a chance to justify funds for the new commission.

The committee earlier had refused to give the commission any money at all on the grounds that the Civil Rights group was not sufficiently organized to justify approval of the money.

DIVISION OF BEHAVIORAL SCIENCE

10 1958

House group hears of rights unit split

IN A NUTSHELL

- **Dr. Hannah asks for funds to competently operate Civil Rights Commission.**
- **Tells of services, travel expenses and witness per diems.**
- **House Appropriations subcommittee hears related duties of commission.**

By LOUIS LAUTIER

WASHINGTON, D.C. (NNPA) — The duties of the Civil Rights Commission have been split among five major offices and division, Dr. John A. Hannah, president of Michigan State University and chairman of the Commission, explained to a House Appropriations subcommittee Tuesday.

The personnel assigned to each division will be in accordance with the workload it receives under the duties assigned it by the Civil Rights Act of 1957 and in accordance with policies and programs, after the commission has had an opportunity to confer with the Public Advisory Committees it is authorized to set up.

Dr. Hannah told the appropriations subcommittee that more funds than are essential to "competent discharge of the fact - finding and legal analysis tasks which have been assigned by the Congress."

HE POINTED OUT that the commission is barred by law from accepting or using the services of voluntary or uncompensated personnel. This provision was written into the Civil Rights Act by its opponents to keep the Commission from seeking aid from NAACP ing leadership to the heads of divisions and offices so that teamwork, efficiency and effectiveness will be assured. and other liberal groups.

Funds required above $590,000 (five hundred ninety thousand dollars), the amount requested for personal services, for such items as communications, supplies and materials, printing and reproduction, rents and utilities.

Contractual service payments will include fees, mileage, reimbursement, and per diem for witnesses. Travel expenses will be incurred by members of the commission and will include travel between their home towns and place of duty.

The Civil Rights Act limits the commission to subpoenaing witnesses and records only in the states in which they are located. This restriction will require frequent reimbursable travel by the counsel for the commission and other staff members, as Dr. Hannah sees it.

Five of the commission members will receive a per diem of $50 a day and expenses of $12 a day. The sixth member, J. Ernest Wilkins, will get no per diem as he receives a salary as the Assistant Secretary of Labor.

Dr. Hannah expects the commission to meet rather infrequently since it is a policy-making body.

The staff director is the commission's top - level official. Dr. Hannah said the staff director is responsible for planning, organizing, operating and reporting on all program functions or activities of the commission.

Dr. Hannah said the staff director also is responsible for developing and recommending top-level policies for Commission action and for provid-

'Only reason will solve race issue'

By LOUIS LAUTIER

WASHINGTON, D.C. (NNPA) —Although he has great hopes for the Civil Rights Commission, problems of race relations are not going to be solved finally until there is understanding and reason, President Eisenhower declared Wednesday.

The President's statement, made at his news conference, was similar to those he made before he sent Federal troops to Little Rock to enforce a federal court order for desegregation of Central High School there.

His statement was made in reply to a question of whether the administration intended to lead or follow in the field of civil rights. The text of the question and answer follows:

* * *

Q—MR. PRESIDENT, another domestic question. Little Rock is still unsolved. There are responsible reports indicating, indeed, that the basic issues are more embittered and in a worse state of ferment than they have been before.

"Your Civil Rights Commission exists but it hasn't really got its work off the ground and hasn't really got a budget of its own.

"Do such things indicate an inclination on the part of the administration to follow rather than lead these civil rights problems to a decision, or, on the other hand, do you have in mind some intensification of pressure on the part of the Federal Government?"

President Eisenhower: "Well, now, just a minute.

"Intensification of federal activity can mean many things and certainly I would not —I would have to know exactly the details of every question, exactly what you were proposing before I would believe it to be legal and proper and desirable.

"Now I have preached, since the day I came to this office and long before, that we are going to sell — going to solve some of these great internal social problems of the United States of America by reason, education, by tolerance of the other fellow's views.

"I do not believe that all of these problems can be solved just by a new law or something that someone says, with teeth in it.

"Now, for example, when we got into the Little Rock thing, it was not my province to talk about segregation or desegregation. I had the job of supporting a federal court that had issued a proper order under the Constitution and where compliance was prevented by action that was unlawful.

* * *

"NOW, I had to do that which is an entirely different thing from any starting out new methods for or new laws attacking this basic problem which I again say is not going to be solved finally until it is done by understanding and reason.

"Now, on the other hand, with due respect to your reference to the commission, surely it has had a hard time getting off the ground and we had to give it, you might say, a loaned budget.

"I have great hopes for what it will do in both these fields, watching and seeing what are the legal difficulties that occur, as well as what can be done in helping to get things done in, what you might call the educational and even, indeed, the spiritual field."

Butler's Back Again

Maryland's senior Senator, John Marshall Butler who last summer voted twice to delay consideration of the Eisenhower civil rights bill and then finally voted for its passage, is back in the news again.

This time he's the sponsor of a measure designed to weaken the United States Supreme Court.

Among other things, under Sen. Butler's bill the right of lawyers to practice in a state or their disbarment would be left entirely in the hands of the several states and no appeals would be permitted to the United States Court.

What a horrible situation that would create!

Only last year, Virginia, South Carolina, Alabama and Texas passed laws aimed solely at lawyers because they were accepting NAACP civil rights cases.

In all of these instances, lawyers would be intimidated or disbarred except for the protection of their right to appeal for justice to the United States Supreme Court.

This is the kind of restrictive legislation an Eastland or a Talmadge might be expected to introduce in the Congress, not a Senator from the Free State of Maryland.

Is Sen. Butler pulling chestnuts out of the fire for Dixiecrats?

We do not think he is, but the charge has been made more than once that certain Republican Senators have made a deal with Eastland to clear their judicial nominations in exchange for their votes against civil rights.

Only reactionaries, North and South, will vote for the Butler bill.

If it is defeated, honest conservatives and liberal Republicans and Democrats must do the job.

White Seen As Civil Rights Chief

WASHINGTON (INS) — Two members of the Senate Judiciary Committee predicted Tuesday that W. Wilson White will eventually be confirmed as head of the Justice Department's Civil Rights Division.

However, the long-delayed confirmation of White is not expected for several more weeks. The next session of the committee is three weeks away—April 23.

Sens. Joseph C. O'Mahoney (D) Wyoming, and Estes Kefauver (D) Tennessee, both said they thought a majority of the judiciary unit would approve White when the issue finally came to a vote.

White's nomination to the new civil rights post has been questioned by Southern committee members chiefly on the basis of the job he held previously in the Justice Department—that of chief of the Office of Legal Counsel.

In this position he drew up a memorandum which justified the legal grounds President Eisenhower used in sending troops to enforce the court ruling on desegregation in Little Rock, Ark.

White was named to the new division in January and has been quizzed at length on two occasions by the Senate group, headed by Sen. James Eastland (D) Mississippi.

O'Mahoney said there has "been considerable opposition" to White but that he could not believe a decision would be postponed 'indefinitely."

Kefauver declared he would be "quite concerned" if the case were delayed much longer.

Both lawmakers said they would support White when the matter reaches a vote.

CIVIL RIGHTS NOMINEE YET TO FACE EASTLAND

WASHINGTON, D. C. — (NNPA) — The Constitutional Rights subcommittee has quickly approved the nomination of Gordon MacLean Tiffany of Concord, N. H., to be staff director of the Civil Rights Commission, but the nomination is expected to run into trouble in the full Senate Judiciary Committee, of which Senator James O. Eastland, Dixiecrat, of Mississippi, is chairman.

Senator Thomas C. Hennings, of Missouri, chairman of the subcommittee, said he will report the nomination at once and will make the motion to lay aside the pending business in the full Judiciary Committee and take it up.

The pending business is the Jenner bill which would strip the Supreme Court of appellate jurisdiction in certain cases and a substitute bill offered by Senator John Marshall Butler, Republican, of Maryland.

The Jenner bill has the backing of Senator Eastland, who may or may not recognize Senator Hennings to make a motion to lay aside temporarily the Jenner bill and take up the Tiffany nomination.

The vote to approve the nomination of Mr. Tiffany was 5 to 1. The lone vote against approval was cast by Senator Sam J. Ervin, Democrat, of North Carolina, who has become the spokesman in the Senate for the forces which are against strengthening civil rights in this country.

Voting for approval were Senators Hennings, Joseph C. O'Mahoney of Wyoming, Democrats, and Everett M. Dirksen of Illinois, Arthur V. Watkins of Utah, and Roman L. Hruska of Nebraska, Republicans.

Senator Olin D. Johnston, Democrat, of South Carolina, another subcommittee member, was absent but was to be polled. He will vote against the nomination.

Most of the questioning of the nominee was done by Erwin, who wanted to know the views of Mr. Tiffany on the use of federal troops to enforce federal court orders for public school desegregation.

Tiffany Conceives Role As Rights Liaison Man

© New York Times News Service

Concord, N. H., April 3.—In the six weeks since he was nominated to be staff director of the new federal Civil Rights Commission, Gordon MacLean Tiffany has been commuting between here and Washington as a $50-a-day consultant to the commission.

But until he completed his duties as a member of the New Hampshire Legislature, at a special session in February, Tiffany stayed on the job here in the capital. It is typical of his career as a lawyer for him to stay with a problem until it is finished, say his associates.

Wednesday he appeared in Washington before the Senate's subcommittee on constitutional rights, which then approved his nomination. No witnesses opposed him. He had the full and enthusiastic support of New Hampshire's Republican senators, Bridges and Cotton.

Aims To Skirt Politics

Tiffany, former attorney general of New Hampshire, has already made it clear that he has no intention of being caught in the whirlpool of Washington politics. He is a close political associate and friend of Sherman Adams, the assistant to the President.

As he sees it, Tiffany's role on the commission would be that of a co-ordinator, rather than a policy maker. The commission will make the policy as a fact-finding body that will pay particular attention to voting rights.

"A large part of my job," said Tiffany the other day, "will be directing the survey."

Got Word From Adams

Tiffany told one interviewer in Concord that he had first heard about his appointment from Adams. But he said his name had first come up before the commission through his membership on the board of managers of the Council of State Governments.

Although Tiffany has never hesitated to take an unpopular side in controversial matters, he is personally popular in the state he "adopted" after World War II.

In appearance Tiffany's tall, spare build and heavy eyebrows remind one of the late John G. Winant, a former New Hampshire Governor. Both men became Granite Staters more or less by osmosis. They were born in New York, but were accepted as "typical Yankees."

As befits his Westchester County background, Tiffany leans somewhat to a conservative Ivy League style of dress. He frequently wears a double-breasted gray-flannel suit with a pin stripe.

Born in Port Chester, N. Y.

Tiffany was born December 13, 1912, in Port Chester, N. Y. The Tiffanys also had a summer home in Weare, N. H., about nine miles southwest of here. And Concord had exerted a growing magnetism on Tiffany ever since boyhood.

Tiffany still owns the Weare farmhouse, but he said recently that it would be less than accurate to say that "we farm it any." Two or three years ago the Tiffanys closed their Concord home for the winter and lived in Weare so that their two children, Billy and Jean, could attend a country school as part of their education.

Mrs. Tiffany is the former E. Ellen Auchincloss, whom Tiffany met while both were studying law at Columbia University. Mrs. Tiffany is a graduate of Vassar College, Tiffany of Yale University, 1935.

Appointed by Adams

After service with the Navy in World War II, Tiffany yielded to the lure of New Hampshire and came here to practice law. He was assistant attorney general when Adams became Governor in 1949.

On the theory that the new Governor should pick his own staff, Tiffany resigned. A month later Adams appointed him as legislative counsel, to serve as liaison man between the Governor's office and the Legislature. Later he was appointed attorney general.

Tiffany is particularly sensitive to issues involving civil rights. In 1956 his law firm, Tiffany & Osborne, successfully defended Gordon Kahn, a New Hampshire man whose name was brought up by the present attorney general, Louis C. Wyman, during an investigation of communism.

TIFFANY OKAYED FOR RIGHTS JOB

Committee Action Clears Commission Barrier

By J. W. DAVIS

WASHINGTON (AP) — The Senate Judiciary Committee approved Gordon M Tiffany for the key job of staff director of the new Civil Rights Commission.

The committee acted Monday after thinking it over for two months and two weeks.

This removed the last big barrier to full operation of the commission.

The commission was created last summer by the first civil rights law since Reconstruction Days, mainly to investigate complaints that Southern Negroes were being deprived of voting rights.

SENATE WILL VOTE

President Eisenhower's nomination of Tiffany, a New Hampshire lawyer, has been before the committee since Feb. 20. The committee is headed by Sen. James Eastland (D-Miss), an opponent of civil rights legislation.

The commission chairman, Dr. John A. Hannah, said April 26that the committee had handcuffed the commission by its delay in acting on the Tiffany nomination.

Now that it has cleared the committee, the nomination goes to the Senate. Two Southern critics of the civil rights law, Sens. Olin D. Johnston of South Carolina and Sam Ervin of North Carolina, said April 21 they were ready to take a vote. They said they feared further delay would intensify expected demands for extending the commission's life. Under the law, it is to expire in September 1959.

Once Tiffany gets through the Senate, it is planned to set up a commission staff of 70 persons. So far only five have been chosen: Tiffany, three secretaries and a secretary of the commission. Tiffany is drawing $50 a day as a consultant pending his confirmation in the $22,500 a year director's job.

WAS AID TO ADAMS

Tiffany, 46 years old, is a Concord, N. H., lawyer who studied at Yale and Columbia. He formerly served his state as attorney general and was legislative counsel to Sherman Adams, who is President Eisenhower's top staff aide, when Adams was governor.

Tiffany told a judiciary subcommittee in April 2.

Chairman Eastland, announcing approval by a majority of the full committee, refused to say how the vote went, pending the recording of four absentee members.

PRESIDENT ASKS $1 MILLION FOR CIVIL RIGHTS BUSINESS

WASHINGTON —(UP)— President Eisenhower asked Congress today for more than one million dollars to carry out provisions of the civil rights law enacted last year.

He requested $750,000 for the new Civil Rights Commission and an extra $242,000 to step up the Justice Department's work in protecting civil rights in the new fiscal year starting July 1.

The law created the six-member commission to investigate any complaints that Negroes are denied the right to vote and appraise federal laws on the subject.

Eisenhower's budget calls for 70 commission employes. The commission is just getting organized now and is seeking a director to head its staff. The President has allotted it $200,000 from his emergency fund for its expenses in the current fiscal year.

NEW U. S. RIGHTS UNIT TO SEEK STATES' AID

WASHINGTON, May 4 (AP)— The new Civil Rights Division of the Justice Department has told Congress it will try for extensive liaison and consultation with state law enforcement officials.

W. W. White, assistant Attorney General in charge of the unit created by the civil rights law enacted last year, told a House Appropriations subcommittee:

"We think more can be accomplished by discussion and mediation than has been possible in the past with the limited operations of the section."

The law sets up the civil rights section as a major division of the Justice Department with the special duty of seeking injunctions against restrictions on voting rights.

Mr. White told the committee that his new division also would undertake "the collection of far greater information, both factually and legally, in the whole civil rights area than has been possible in the past."

He added, "we think without such activity we just cannot do the job."

Mr. White testified on Jan. 14. His testimony was made public today.

Our Opinions

How Long Must We Wait For Action?

Civil rights violations, it appears, continue undiminished in Arkansas, Alabama, Georgia, Florida and Mississippi. Reports from these states indicate a determination to resist all of the prohibitions of the new Civil Rights Act. Mississippi a few weeks ago held a state convention for the expressed purpose of amending its charter so as to oil more effectively the legal machinery for barring Negroes from the polls.

Numerous instances of denials of constitutional prerogatives have been brought to the attention of Federal authorities. Apparently nothing can be done at this point until the six-man Civil Rights Commission becomes functional. Though the appropriation for its operation has been approved by Congress, the Commission has not yet been confirmed by the Senate. No doubt there will be much probing into the background of the men who were picked by President Eisenhower to be members of this new agency, before the Senate gives its consent to them.

Something about their social philosophy, their personal attitudes, their associations and politics will be closely scrutinized by some Senators who are looking for an excuse to sabotage the Commission.

The chairman of the Commission, President John A. Hannah of Michigan State University, bears the earmarks of determined leadership. Shortly after he was chosen for the post, he observed:

"Prejudice is like a disease that is passed on from generation to generation. Unfortunately we cannot hope to find a vaccine that will wipe out the disease overnight."

If his nomination is approved, Dr. Hannah's influence may keep the Commission on the right path. There is much work to be done before the elections in the Fall. Unless the Commission gets down to business soon, its statutory two-year term will have expired without anything approaching the scope of its power being accomplished.

A Senate Judiciary subcommittee has approved President Eisenhower's nomination of Gordon M. Tiffany as staff director of the Commission. But we are somewhat puzzled by Mr. Tiffany's open admission that he was "not an expert" on civil rights and made "no claims to knowing the answers to these problems."

We must inquire, with all due respect to the judgment of the President, on what basis Mr. Tiffany was chosen for the important task of directing the affairs of the agency. Much time has been lost already and much more may be needed to acquaint Mr. Tiffany with the nature of his role.

He is in a sensitive position and much of the determination of the cases investigated by his field workers will depend upon his own presentation and interpretation. So placed, he can do much harm or much good depending upon his attitude and convictions. However, it should be made clear to him by those who are responsible for his appointment that the exercise of civil rights, so necessary to our democracy, is a continuous imperative.

Labor Groups Lay Plans For Civil Rights Meet

Defender Chicago, Ill. P. 2
Sat. 3-15-58

Plans were laid out for the 4th Civil Rights conference, to be held Saturday, Nov. 8th, at the Sherman hotel, under the auspices of the Jewish Labor Committee, at a luncheon meeting at which more than 50 representatives of the trade union movement, representing the Chicago Federation of Labor and Cook County CIO, speaking for a membership of 750,000.

Among the prominent speakers at the luncheon were William A. Lee, president, Chicago Federation of Labor; Paul Iaccino, secretary - treasurer Cook County CIO; Carl Megel, president, American Federation of Teachers; Samuel Smith, Amalgamated Clothing Workers Union and Clarence Greene, vice president of the state conference of the Amalgamated Meat Cutters and Butcher Workmen.

The meeting was opened by Jacob Siegel, chairman of the Jewish Labor Committee, who declared the purpose of the gathering, and introduced Morris Bialis, vice president of the ILGW union, and manager of the joint board of Chicago.

The meeting endorsed a plan of action between now and the November 8 conference to encourage discussions at local meetings of problems of civil rights, full equality of employment opportunities, adequate housing and a greater program of educating the coming generation.

Others included, Fred Clavio, president, Blue Island Trades and Labor Assembly; Jack Abrams, president, Waiters Alliance Local 25; Earl Quinn, secretary - treasurer, Labors League for Political Education; Samuel Winn, president, Federation of Jewish Trade unions; Eric Bjurman, Midwest representative, International Association of Machinists; Chester Fialkowski, secretary South Chicago Trades and Labor Assembly; Samuel Parish, sub district director, United Steelworkers of America, and Harry Kurshenbaum, Asst. Regional Director, Textile Workers Union of America.

Rights Commission Plans Organization

Daily World P. 1

WASHINGTON — The Civil Rights Commission will set up grass roots sounding boards from such groups as business, religious, academic, racial, labor, farm women's and press organizations in every state.

The advisory committees will make recommendations to the commission on civil rights matters and give their opinions on interim and final reports of the body.

Pub. 4-29-58

The committees presently will be formed in Michigan, Texas, Illinois, Virginia, Indiana and New Hampshire. A time table will be set up for establishing groups in the remainder of the states and possessions and in Puerto Rico.

The state committees will have five to nine members who will get no pay but will be allowed expenses.

Gordon M. Tiffany, a native of New Hampshire, has been nominated as executive director.

The staff director will have a key role in the commission and will be a full time employee.

Appointments of top staff members are expected to be announced shortly after action of the director's confirmation.

Meanwhile Dr. John A. Hannah, chairman of the commission, has charged that the Senate Judiciary Committee has handcuffed operations by its delay in confirming Tiffany.

The former New Hampshire attorney general has been opposed by Senator Eastland of Mississippi and other Southerners who fought the measure in the Senate last year.

Daily World, P. 4

The staff director is to receive a $22,500 salary.

Pub. 4-29-58

As a courtesy, elective state officials will be consulted on the sounding board appointments. However, the appointments will not be made nor held subject to approval by state officials.

House Body Approves Request

Defender P. 1
Chicago, Ill.

WASHINGTON — (INS) — The House Appropriations committee approved $750,000 last week for the President's Commission on Civil Rights to spend in the fiscal year beginning July 1.

But the committee refused the President's request to give the commission $200,000 in new funds for the remaining three months of this fiscal year. The lawmakers said "adequate" funds are now available for the remaining months.

Sat. 4-12-58

The $750,000 is the full amount requested by the President.

The measure now goes to the House floor which last month blocked approval of the White House appropriation bill in order to give the Adminstration a chance to justify funds for the new commission.

The committee earlier had refused to give the commission any money at all on the grounds that the civil rights group was not sufficiently organized to justify approval of the money.

Single Request Delays Rights Agency Again

Post-Tribune P. A-13
Gary, Ind.

For the second week in a row senatorial courtesy yesterday blocked Committee action on Gordon M. Tiffany's nomination as staff director of the Civil Rights Commission.

The Commission work is virtually at a standstill awaiting Tiffany's confirmation. It can't investigate without a staff and has delayed appointing a staff until its chief is approved.

Under Senate Judiciary Committee rules, a nomination can be delayed one week at the request of any member. Last week Sen. Estes Kefauver (D-Tenn.) requested a delay, reportedly to check New Hampshire Republican Tiffany's connections with Assistant to the President Sherman Adams, an old Kefauver adversary. Tiffany was state attorney general when Adams ws Governor.

Tues. 4-15-58

Washington D. C.

Sought by Johnston

Yesterday's delay was requested by Sen. Olin D. Johnston (D-S. C.), vigorous opponent of the civil rights program. Another Senator could put off a vote week. Tiffany was nominated more than two months ago.

The Commission was created by the Civil Rights Act last September. Its job is to investigate alleged violations of voting rights because of race, assess the Nation's civil rights picture and report its fndings along with recommendations by September, 1959. Then it goes out of existence.

Tiffany, now on the payroll as a parttime consultant, appeared before a Senate Appropriations subcommittee yesterday to justify the Commission's $750,000 request for the year starting July 1. The House has approved it.

Reports Given Tiffany

Yesterday morning Tiffany received reports that had been presented at a civil rights conference here Sunday on obstacles placed in the way of southern Negroes who try to vote.

Tiffany said the reports would be referred to the Commission's reports and analysis section. That's the office which handles al lincoming mail and refers it to an investigating unit or some other specialist. So far it has no employes.

Civil Rights Division Talks State Liaison

News & Courier
Charleston, S. C.

WASHINGTON (AP) — The new Civil Rights Division of the Justice Department has told Congress it will try for extensive liaison and consultation with state law enforcement officials.

W. W. White, assistant attorney general in charge of the unit created by the civil rights law enacted last year, told a House Appropriations subcommittee, "We think more can be accomplished by discussion and mediation than has been possible in the past with the limited operations of the section."

CITES LAW 5-5-58

The law sets up the civil rights section as a major division of the Justice Department with the special duty of seeking injunctions against restrictions on voting rights. Previously, a smaller civil rights unit with the Criminal Laws Division had largely devoted its activities to handling charges of civil rights violations by officials of states and cities.

P 10 A

White told the committee that his new division also will undertake "the collection of far greater information, both factually and legally, in the whole civil rights area than has been possible in the past."

NEEDS ACTIVITY

He added, "We think without such activity we just cannot do the job."

White testified Jan. 14. His testimony was made public Sunday.

Testifying before the same subcommittee, FBI Director J. Edgar Hoover said his agency looked into 1,289 civil rights cases during the year ended June 30, 1957. Hoover said these included 1,062 cases involving 1,921 law enforcement officers. He said 59 of these cases were still pending at the close of the year and the remainder had been closed.

Hoover said investigative ramifications arising from the public school integration crisis at Little Rock, Ark., last year had cost about $86,700 in FBI work up to last January.

10 1958

From The Office Of The Senate Subcommittee On Constitutional Rights

Washington, D. C., Jan. 13, 1958—United States Senator Thomas C. Henning, Jr., (D-Mo.), Chairman of the Senate Constitutional Rights Subcommittee, made the following statement today regarding the withholding of information from Congress by the Executive Branch of the Government and the refusal of the Administration to release the Gaither Report. At the same time, Senator Hennings made public an expression of views made last year by the Attorney General on the subject of information withheld from Congress.

Senator Hennings said:

"The refusal of the Administration to release the Gaither Report either to Congress or to the public is deplorable, but frankly, it does not surprise me in the deast.

"Withholding of information from both the public and Congress unfortunately seems to have become rather commonplace in recent years, so it really shouldn't surprise anyone that the Administration insists on keeping secret a document as embarrassing and explosive as the Gaither Report is reputed to be.

"During the past year-and-a-half, the Constitutional Rights Subcommittee, along with its other work has been studying freedom of information in the United States and the extent to which secrecy in government has affected the free speech and free press guarantees of the Constitution. In the course of this study, the Subcommittee staff has come across literally dozens of cases in which information has been withheld from Congress and the public by Executive departments and agencies.

"Frequently, when asked to explain on what legal ground they justified withholding information from Congress, the Executive department and agencies involved have cited the constitutional principle of separation of powers, and have asserted, in effect, that the Executive Branch of the Government can withhold information from Congress any time it feels that it should.

"The frequency with which Congressional requests for information have been met with this claim of Executive privilege in recent years caused me to write to the Attorney General last year, asking him as the chief legal officer of the Executive Branch to express his views on this important subject.

His reply is included in the correspondence which I am making public today. In a nutshell, the position of the Attorney General—as expressed in a 102-page memorandum sent to the Subcommittee by Mr. Rogers, then Deupty Attorney General and now Attorney General—seems to be that the President and heads of departments can withhold information from Congress where in their own judgment they feel it shouldn't be disclosed. In other words, the Attorney General apparently feels that the Executive Branch of the Government has practically unlimited power to keep secret from Congress anything it wishes.

"The withholding of the Gaither Report seems to be just another exercise of this broad power claimed by the Attorney General.

"I have invited the Attorney General to appear before the Subcommittee on Constitutional Rights to explain his position in greater detail, but so far he has not accepted the invitation.

"Eventually, I hape, he will see fit to appear. Meanwhile, since this matter is so timely and of such importance to the country as a whole, I am requesting that the letter of the Attorney General, together with the accompanying 102-page memorandum, be printed by the Senate Judiciary Committee as a committee document so that it may be readily available to other members of Congress and the public for study and comment."

(Attached are copies of letters dated (a) March 13, 1957, to Herbert Brownell, Jr., then Attorney General of the U. S., from Senator Hennings, and (b) April 10, 1957, to Senator Henning from Wm. P. Rogers.)

March 13, 1957

Hon. Herbert Brownell, Jr.
Atty. Genl. of the U. S.
Department of Justice
Washington 25, D. C.

Dear Mr. Attorney General:

During the past year, the Senate Judiciary Subcommittee on Constitutional Rights has been making a study of complains it has received from many quarters concerning a growing tendency in this country toward secrecy in government and the improper withholding of information by various public officials. The Subcommittee's interest has centered, of course, on those aspects of the subject dealing with or affecting constitutional rights.

In the course of our study, we have come across a number of instances in which executive departments or agencies have refused to give information requested by a committee or subcommittee of Congress. Some of the departments and agencies involved have cited as their authority for refusing to supply such information the letter written by the President to the Secretary of Defense on May 17, 1954 directing that Secretary to instruct the employees of his department not to testify or produce documents concerning certain matters in their appearances at the Army-McCarthy hearings.

These refusals by executive departments and agencies to supply information to Congress, together with the citation of the President's letter of May 17, 1954, as the basis for such refusals, raise several serious constitutional questions. So that this Subcommittee may have, a more complete understanding of the basis and scope of the right claimed by the executive departments and agencies to withhold information from Congress, following questions are submitted to you as the chief legal officer of ou rGovernment.

(1) By what authority and under what circumstances may the President withhold requested information from Congress?

(2) What limitations are there, if any, on the President's power to withhold information from Congress?

(3) Under what circumstances may the President delegate to others his power to withhold information from Congress? (In other words, to what extent is any such power "personal" to the President alone?)

(4) In view of the fact that the President's letter of May 17, 1954, is limited by its very terms to Defense Department employees appearing at the Army-McCarthy hearings, may it properly be cited now by the executive departments or agencies as authority for withholding information from Congress?

Your answers to these questions should be very helpful to the Subcommittee in its present work.

Very truly yours,
Thomas C. Hennings, Jr.
Chairman.

April 10, 1957

Hon. Thomas C. Hennings, Jr.
Chm. Subcommittee on
Constitutional Rights
United States Senate
Washington, D. C.

This is with reference to your letter to the Attorney General of March 13, 1957, requesting answers to a number of questions concerning the furnishing of information to the Congress by executive departments and agencies. The letter states that the questions have been submitted in order that your Subcommtitee may have "a more complete understanding of the basis and scope of the right claimed by executive departments and agencies to withhold information from Congress."

There is enclosed herewith a copy of a study prepared in this department on the following question: "Is a Congressional committee entitled to demand and receive information and papers from the President and the heads of departments which they deem confidential, in the public interest?" The study discusses the matter in a comprehensive manner and supplies tne answers to the first three questions posed by your letter. The fourth question is answered by the President's letter to the Secretary of Defense of May 17, 1954. This letter is merely a restatment of principles which have been in effect since President Washington's administration, and of course these principles continue to be binding on all departments and agencies in the executive branch.

Sincerely,
Deputy Attorney eGneral

1 CRSC
58 FOI

Rights Fund Vote Delayed Until Today

Montgomery, Ala.

WASHINGTON (AP) — Southern Democrats fought a delaying action in the House Monday in their losing battle to block funds for the Civil Rights Commission.

They succeeded in putting off a final showdown until Tuesday after being bested in a preliminary vote by 105-65 in their fight to deny the commission the $750,000 requested by President Eisenhower.

The test was on an amendment adding that amount to a general $15,558,870 appropriation bill financing the White House and related activities for the fiscal year starting July 1.

Since it was not a roll call vote, the balloting was only tentative but there was no doubt what the final outcome would be when the roll is called Tuesday.

A gentleman's agreement among House leaders barred roll call votes Monday and southerners demanded a roll call on the civil rights appropriation.

About half a dozen Republicans joined southern Democrats to make up the 65 votes against the allotment.

Rep. Rabaut (D-Mich), who offered the amendment providing the commission's funds, told the House it had an obligation to finance the commission which it created when it passed the 1957 civil rights law over southern opposition.

Rep. Andrews (D-Ala) opposed the appropriation on the ground the commission's staff director has not yet received Senate confirmation. Andrews claimed the commission has only a skeleton organization and is not ready to function. It is operating now with money provided from the President's emergency fund.

HOUSE GROUP VOTES CIVIL RIGHTS FUNDS

New York

WASHINGTON, March 28 (UP)—The House Appropriation Committee voted $750,000 today to finance the Government's new civil rights commission, ending a month-long delay.

The action cleared the way for House approval of a $15,000,000 appropriation bill to run the White House and other executive offices in the 1959 fiscal year, which begins July 1.

Representative Earl Wilson, Republican of Indiana, made an attempt to cut funds for the commission by $150,000. It lost on a 17-17 tie vote, thus keeping the Administration's figure intact.

The House had refused to approve the money bill until the committee included funds for the Civil Rights Commission. Including the commissions

money the bill totals $15,558,870.

The committee earlier had recommended deferring action on funds for the commission because the agency was not yet organized and had not testified in behalf of its budget request.

Dr. John A. Hannah, commission chairman, and Gordon Tiffany, nominated as the group's staff director, testified before a subcommittee last Tuesday.

Ike Urges Reason in Race Views

By Robert L. Baker
Staff Reporter

President Eisenhower said yesterday that reason, education and tolerance of divergent viewpoints would do more to solve racial and civil rights problems than any new laws.

He expressed great hope that the Civil Rights Commission will be influential in promoting greater understanding of these domestic social problems as well as in coping with accompanying legal difficulties.

The President's comments came at his news conference as he answered a reporter who had asked whether Mr. Eisenhower planned any intensification of Federal action in the civil rights field.

The reporter suggested that race tension at Little Rock has worsened since Federal troops were sent to Central High School there during the school desegregation crisis last fall.

Distinction Made

The President made a distinction between the Federal action at Little Rock and dealing with the civil rights issue generally. He said he was not talking about segregation or desegregation when he authorized Federal troops to go to Little Rock.

Instead, he was carrying out his duty to support a Federal court order where compliance was thwarted by illegal action, the President said.

The Civil Rights Commission, the President continued, has had trouble getting started and has been given funds while its budget is being drafted.

The President's comments on Little Rock came on the heels of an authoritative report of worsening conditions at Central High School and a reprint in the Congressional Record of a speech by Warren Olney III, former Assistant Attorney General of the United States and now director of the Administrative Office of the United States Courts.

Speech in October

Olney's speech, delivered last October before the Conference of Barristers of the State Bar of California, was inserted in Monday's Congressional Record by Sen. Thomas H. Kuchel (R-Calif.).

Olney reviewed the Little Rock crisis from the viewpoint of the Government lawyers concerned.

He stoutly defended from a legal standpoint the use of Federal troops to break up mob violence, after Gov. Orval E. Faubus ordered his National Guard troops to bar Negro students and then withdrew his militia altogether.

Olney said in conclusion:

"I can state that no one should have been in doubt in the past and none can be in any doubt in the future as to the course that the President —any President—must follow when the troops of a state are used to nullify the Constitution and laws of the United States as interpreted by the Supreme Court, and to defy the orders of the courts of the United States.

Notes Lincoln's Stand

"No President can abandon the positions taken and sustained by Abraham Lincoln through four years of bitter Civil War. A wider understanding and acceptance of this fact in the South would be in the interest of national peace and tranquility."

A report on the current situation at Little Rock Central High School in Sunday's New York Times stated that a hard-core band of segregationist students within the school had taken complete control through organized intimidation of other pupils, a campaign apparently directed by adults outside.

Only 30 Federalized National Guard troops are on hand, the account stated, but tension is higher than ever.

Senate Panel Okays Civil Rights Director

WASHINGTON (AP)—The new Civil Rights Commission inched closer to full operation Wednesday when a Senate judiciary subcommittee approved Gordon M. Tiffany for the key job of commission staff director.

President Eisenhower's nomination of the New Hampshire Republican still faces a tortuous course, however, before it can be considered by the Senate.

Tiffany told newsmen the commission won't get into full operation until the Senate acts on his appointment to the $22,500-a-year job.

The subcommittee approved Tiffany's nomination 5-2 after a public hearing.

The Concord, N.H., attorney told the subcommittee he is not an expert on civil rights. But he said he regards the staff director's post as a most important job.

Sen. Ervin (D-NC), the only Southern senator at the hearing, questioned Tiffany closely about his philosophy.

In reply to one inquiry by Ervin about the use of troops to enforce court orders for school integration, Tiffany said force should be invoked only as a last resort.

Tiffany told Ervin the commission is not concerned with enforcement or prosecution, that its job is one of inquiry.

Prelate Asks Restoration Of The Rights Of Negroes

BOSTON, Mass.—(ANP)—Catholic Archbishop Richard J. Cushing this week called for a "program of social restoration" of the rights of Negroes.

Speaking to the first meeting here of the Catholic Interracial Council Archbishop Cushing suggested strongly, "The price of segregation here below may be segregation for all ettinity from the company of the elect."

While voicing opposition to any "violent reform" which might lead to immediate harmful effects, the Catholic prelate emphasized the point that all persons should recognize the limits beyond which a "policy of cautious and hopeful expectation may not be carried out."

Archbishop Cushing told his audience that "no group of human beings is morally justified in claiming for itself alone the social advantages which are destined for all who share in a common human nature."

All men, he asserted, have a right to public education and "legislation that aims to guarantee the right of education to all who seek it and can profit by it must be regarded as binding in conscience, even though its strict application will cause inconvenience and will be disturbing to settled prejudices."

Archbishop Cushing warned Catholics that their attitudes toward Negroes must be changed.

"In the church there must be union of all Christians," he stated, "with Christ and with one another."

"It must no longer be said that major obstacle to the conversion of the American Negro is the attitude of American Catholics themselves.

"We must welcome Negroes to our churches whenever we find them ready and willing to enter. We must not turn them away because of selfish determination to keep the blessings of the faith for our own particular racial groups."

State advisory units to aid civil rights body

(This is the second of three articles about the Commission on Civil Rights which the AFRO is publishing to acquaint its readers with the new agency's program and scope of authority.)

WASHINGTON — The Commission on Civil Rights is depending on hundreds of fair minded citizens in all 49 states for help in its study of America's number one human relations problem.

With a staff of less than 50 people, the Commission feels it needs the cooperation of these interested citizens, organized into state advisory committees, in order to do the kind of job expected of it.

While these advisory groups are being organized, the staff is studying and analyzing all available information about equal protection of the laws and the right to vote.

This, of course, includes the laws, regulations and policies of the Federal and State governments having to do with civil rights. The Act of Congress which established the Commission in 1957, provides that it shall

(1) investigate denials of the right to vote when it receives sworn complaints in writing;

(2) study and collect information about any government action which amounts to a denial of equal protection of the laws, and

(3 appraise the laws and policies of the Federal Government with respect to equal protection of the laws.

The commission may also hold hearings "for the purpose of carrying out the provisions of this Act." It may issue subpoenas to compel witnesses to attend its hearings and testify, or to produce written or other matter pertinent to its inquiry.

But the main source of information and advice about civil rights matters may well be the Advisory Committees of from five to nine members appointed by the Commission in each State.

UPON REQUEST state advisory committees will relay to the Commission any knowledge they have concerning denials or violations of civil rights within their respective states.

They also may recommend changes in laws or government policies which they think are needed to protect civil rights within their states.

The commission tries to make these advisory bodies in each state representative of all the citizens. Set up that way, they can be most helpful in gathering valuable information about civil rights in their states.

* * *

NOT ONLY do the members of these states committees have firsthand knowledge of the extent to which civil rights need to be protected in their areas, they also know of progress that has been made in the enjoyment of these rights by minority groups.

Thus they help to make possible a complete report on civil rights by sending the commission information on both the progress and the problems in this field.

Moreover, they provide for the average citizen a direct contact, at the local level, with the President's Commission in Washington.

These committees may choose any areas of civil rights they wish on which to concentrate their studies.

Nationally the Commission is giving first consideration to voting rights, education and housing, but it will study other fields if time permits or new circumstances suggest a change in directions.

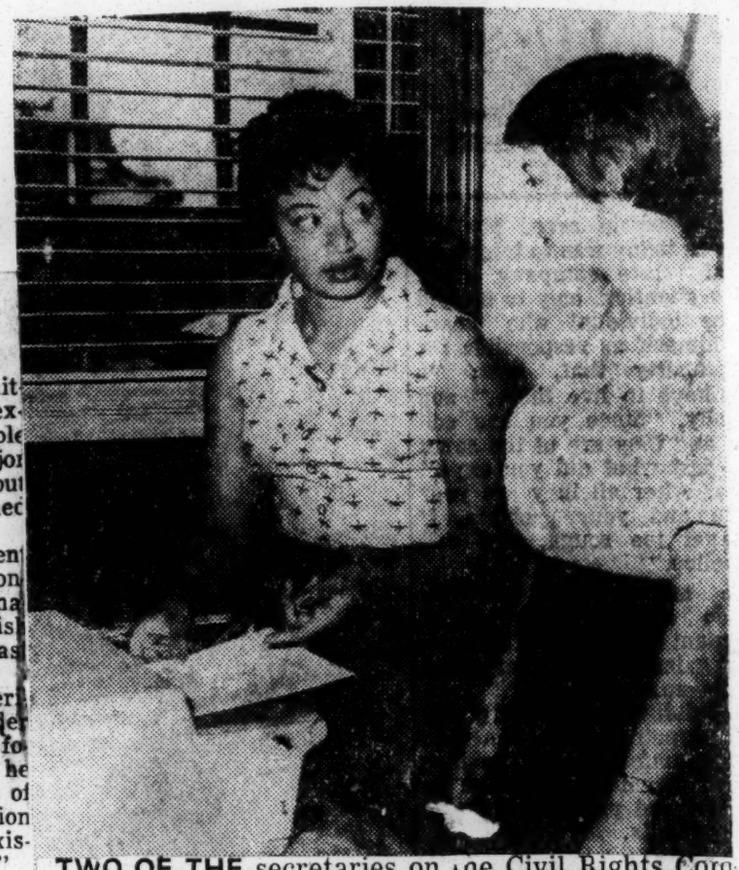
(The final article in this series, to be published in this newspaper next week, tells about the organization and personnel of the Commission.)

Anti-semitism seen decreasing in force

NEW YORK — "Anti-semitism, a force aimed at the extinction of the Jewish people no longer presents a major problem in the free world, but Jewish survival is threatened from within."

Dr. Joachim Prinz, president of the American Jewish Congress, prefaced a call for a national conference on Jewish survival with those words last week.

In a statement, the American Jewish Congress leader said the conference would focus attention on what he termed, "a creeping process of assimilation and disintegration that endangers the future existence of the Jewish people."



TWO OF THE secretaries on the Civil Rights Commission are Mrs. Johnie Graves (left) of Washington and Miss Leona Maday, Nanticoke, Pa. Mrs. Graves is secretary to George M. Johnson, former Howard U. dean, now director of the office of Laws, Plans and research.

HARRIS WOFFORD (left) and Eugene Jackson, two of the six legal assistants on the staff of the Commission on Civil Rights, check a recent decision in the Commission's library. A St. Louis native and Yale law graduate, Mr. Jackson is assistant to J. Ernest Wilkins. Mr. Wofford is assistant to the Rev. Theodore Hesburgh; he is a Virginian.

Civil rights body is independent body

This is the last of three articles by the AFRO explaining the program, scope of authority and organization of the Commission on Civil Rights.

WASHINGTON

The Commission on Civil Rights, unlike many other commissions and committees appointed by the President, is an independent agency in the executive branch of the Government.

It was created last fall by Congress, at the request of President Eisenhower, when it adopted the Civil Rights Act of 1957.

Its six members were appointed by the President but they had to be confirmed by the Senate. The Act provides that not more than three members shall be of the same political party.

Consequently three of the Commissioners are Democrats (all from the South), two are Republicans and one is an independent. These latter are from the Midwest.

THE PRESIDENT designates one of them chairman, another vice chairman.

The six Commissioners are: Dr. John H. Hannah, chairman, president of Michigan State University; Robert G. Storey, vice chairman, dean of Southern Methodist University Law School; John S. Battle, former Governor of Virginia,

Doyle E. Carlton, former Governor of Florida, the Rev. Theodore M. Hesburgh, president, University of Notre Dame and J. Ernest Wilkins, Chicago attorney, and Assistant Secretary of Labor for International Affairs.

They receive pay for each day spent in the work of the Commission, plus travel expense and a per diem allowance.

THE ACT also provides for a full-time staff director who is appointed by the President after consultation with the Commission. Like the Commissioners, he also must be approved by the Senate.

Gordon M. Tiffany of Concord, N.H., formerly Atorney General of that state is staff director. He was appointed in February and comfirmed in May.

The three divisions into which the operations of the Commission are divided, and their directors, are:

Office of Complaints, Information and Survey—A. H. Rosenfeld, of Mt. Holly, N.J., a Reserve Army Colonel with extensive experience in the legal division of the Military Government in Europe and Korea.

During World War 2 he served on General Eisenhower's headquarters staff in North Africa and in Europe.

* * *

OFFICE OF LAWS, Plans and Research—George J. Johnson of San Bernardino, Calif., former dean of the Howard University Law School, Washington, and during World War 2 counsel for the President's Fair Employment Practices Committee.

Executive Secretary to the Commission—Mrs. Carol Renner Arth of Redlands, Calif., former special assistant to the Secretary of State.

Other than special consultants, secretarial and clerical employees, the remainder of the staff is composed largely of lawyers.

Their research, analysis and interpretation of Federal and State laws and legal developments are essential to the interim and final reports the Commission makes to the President and the Congress.

Civil Rights 'Battle Royal' Shapes For Coming Session

BY GENE WORTSMAN
Post-Herald Correspondent

WASHINGTON, Oct. 12—This century's greatest congressional battle over civil rights and the powers of the U. S. Supreme Court appears to be waiting in the wings for 1959.

It is probable that the struggle will continue through the congressional session of 1960.

Both sides will come to Washington in January equipped for the conflict which well may change and shape men's lives.

Roughly, the lines are divided into two groups.

The so-called liberals will have two primary aims: To abolish the Senate filibuster, thus leading the way to enactment of more civil rights laws. To protect the high court from assault.

The so-called conservatives will take the opposite approach. They wish to protect the filibuster rule. They desire to spell out how far the top tribunal can go in certain fields.

The outcome depends on many factors.

Most important, at the moment, will be the make-up of the new Congress which is going to be controlled by Democrats.

The number of new liberal Democrats joining the ranks could determine who wins the fights next year and the liberals are in the lead.

Another factor is the 1960 presidential election.

The Democrats seem to want a liberal nominee. Senators, such as Hubert Humphrey (D., Minn.), who want the nomination, can be expected to go all out in the civil rights fight.

Republicans, who hope the South won't back an ultra-liberal Democrat for president, will face a puzzlement. Should they, too, go for the minority vote through civil rights, or should they try to win the Southern conservatives.

Still another factor facing both sides is that of the Judiciary Committees in both houses.

Sen. James Eastland (D., Miss.) head the Senate Judiciary Committee while Rep. Emanuel Celler (D., N. Y.) is chairman of the House Judiciary Committee.

Two men could hardly be further apart in political philosophy.

The problem of each will be to stymie in his committee such legislation as he opposes while pushing that which he favors. Perhaps they can cancel out each other's efforts but probably not.

Eastland will have an extra margin on his side.

With a Supreme Court vacancy pending, Eastland's committee must approve the presidential nominee, who will be closely questioned in committee as to his civil rights belief.

Southerners also will be working from another point o strength.

Thirty-six chief justices of the individual states recently denounced the U. S. Supreme Court for making laws rather than interpreting them.

No doubt this condemnation will give move ammunition than any other single factor to those who wish to clamp down on the court.

A bill to do so passed the House this year but failed in the Senate by a 41-40 vote.

Still, an influx of liberals into the new Congress again could block any proposals to hatler the court.

Liberals will hope to keep the conservatives groggy with attacks from many directions.

They probably will try to extend the life of the Commission on Civil Rights, due to end in about one year. They will attempt to tighten up the civil rights law of 1957. A few unexpected moves probably will be tossed onto the scene.

Conservatives, who have introduced bills of their own to stem the tide, will be fighting a defensive battle.

Southerners will need help from other areas if they hope to be successful.

10 1958

Stalemate Over Civil Rights Nominee Grips Committee

WASHINGTON (AP) — The Senate Judiciary Committee meets again Monday with still no signs that it will break the stalemate over W. Wilson White's nomination to head the new Civil Rights Dicision in the Justice Department.

Three Southern Democrats on the committee said Sunday they are in the dark as to whether any action will be taken before Congress adjourns.

White, a Philadelphia lawyer, was named by President Eisenhower to be an assistant attorney general in charge of the new Civil Rights Division.

But his nomination, submitted to Congress last January, has been bogged down in the Judiciary Committee ever since.

Sens. Olin D. Johnston (D-SC) John L. McClellan (D-Ark) and Sam J. Ervin (D-NC) said in separate interviews they don't know whether White's nomination will be acted on before adjournment.

White, who has been serving under a recess appointment made by the President last Dec. 9, will go off the payroll automatically unless he is confirmed by the Senate before this session of Congress ends.

White formerly headed the department's office of legal counsel and prepared a brief on the question of the President's powers to use troops to enforce court orders.

At the committee's last hearing on White's nomination the Justice Department was requested to make available the brief he had written and interoffice memorandums he had exchanged with former Atty. Gen. Herbert Brownell.

Brownell's successor, Atty. Gen. William P. Rogers, promptly sent the material to Sen. James O. Eastland (D-Miss) the committee chairman.

3 Negroes On Civil Rights Committees

WASHINGTON, D. C. (SNS) — Dr. John A. Hannah, chairman of the Commission on Civil Rights and president of Michigan State University, Monday announced the selection of three Negro members to two of the commission's eastern state advisory committees.

Added to the Maryland Advisory Committee were State Senator A. Cole and Maryland State College President John T. Williams. They were among the six persons named to the advisory committee from the state of Maryland.

In West Virginia, Mrs. Cerelle H. Warfield, an instructor of Spanish and speech at Bluefield State College, Bluefield, West Virginia, was named to the civil rights advisory committee.

State Senator Cole, an attorney, has also served as Assistant attorney general of Maryland, substitute trial magistrate and justice of the peace. He is a former member of the executive committee of the U. S. National Commission for UNESCO.

Dr. Williams, a former All-American end at Langston University in Oklahoma, has been president of Maryland State College at Princess Anne since 1947. Before his appointment at the Maryland school, he was dean and registrar at Kentucky State College.

Mrs. Warfield, who will join four other prominent West Virginians appointed to the group, is a graduate of West Virginia State College. She earned an A. M. degree at Cornell University and has also studied at the University of Havana, Cuba, and the University of Minnesota.

This announcement brings to 18 the total of State advisory committees appointed so far. The Commission plans to have similar groups at work in each state before the end of the year.

'Sold down the river'

WASHINGTON

Despite grave warnings from the NAACP and other leaders in the field of civil rights, the House voted 41 to 153 Thursday for the adoption of legislation which would give state laws precedence over federal laws unless it was specifically stated otherwise in the federal statute involved.

The bill, ostensibly aimed at reducing jurisdiction of the Supreme Court in cases involving sedition laws, is described by its opponents as a threat to all gains made in the field of civil rights through federal legislation or administrative policy.

ROY WILKINS, executive secretary of the NAACP, warned that passage of the bill would "sell 17,000,000 colored citizens down the river in states which continue to flout federal authority."

Thursday's bill, which now goes to the Senate for consideration provides that:

1. No federal act shall be interpreted as excluding state laws on the same subject unless the act says so specifically or unless there is a "direct and positive conflict" between the two which cannot be reconciled.

2. Federal anti-subversive laws shall not prevent enforcement of state legislation in the field.

* * *

MR. WILKINS' warning of the serious consequences of passage of the bill which has the strong backing of Southern segregationists was contained in a telegram which was sent to 250 non-Southern Republican and Democratic members of the House.

He declared that passage of the bill "would enable states to continue racial segregation laws and enact new ones without restraint by the U.S. Supreme Court.

"Regardless of the language used," the NAACP head warned, the bill "would deny to any citizen an appeal on his rights as these may be defined, restricted or denied by state action."

The roll call vote on the bill was as follows:

OUR FRIENDS

(Against)

Anfuso, D., N.Y.
Aspinal, D., Colo.
Ayres, R., Ohio
Adonzio, D., N.J.
Ashley, D., Ohio
Auchincloss, R., N.J.
Bailey, D., W. Va.
Bass, R., N.H.
Boland, D., Mass.
Boyle, D., Ill.
Brown, D., Mo.
Byrne, D., Pa.
Barrett, D., Pa.
Bennett, R., Mich.
Bolling, D., Mo.
Brooks, D., Tex.
Byrd, D., W. Va.
Cannon, D., Mo.
Celler, D., N.Y.
Coad, D., Iowa
Corbett, R., Pa.
Cretella, R., Conn.
Cunningham, R., Iowa
Curtis, R., Mass.
Canfield R., N.J.
Carrig, R., Pa.
Clark, D., Pa
Coffin, D., Maine
Coudert, R., N.Y.
Curtin, R., Pa.
Curtis, R., Mo.
Delaney, D., N.Y.
Dent, D., Pa.
Dingell, D., Mich.
Donohue, D., Mass.
Dawson, D., Ill.
Dennison, R., Ohio
Diggs, D., Mich.
Dollinger, D., N.Y.
Dooley, R., N.Y.
Dwyer, R., N.J.
Farbstein, D., N.Y.
Flood, D., Pa.
Fallon, R., Ind.
Fino, R., N.Y.
Fogarty, D., R.I.
Forand, D., R. I.
Fulton, R., Pa.
Gavin, R., Pa.
Granahan, D., Pa.
Green, D., Ore.
Griffiths, D., Mich.
Garmatz, D., Md.
Glenn, R., N.J.
Gray, D., Ill.
Green, D., Pa.
Hale, R., Maine
Hagen, D., Cal.
Hoys, D., Ohio
Heselton, R., Mass.
Holland, D., Pa.
Holtzman, D., N.Y.
Healey, D., N.Y.
Holifield, D., Cal.
Holmes, W., Wash.
Johnson, D., Wisc.
Kean, R., N.J.
Kee, D., W. Va.
King, D., Cal.
Kluczynski, D., Ill.
Karsten, D., Mo.
Keating, R., N.Y.
Keough, D., N.Y.
Kirwan, D., Ohio
Knutson, D., Minn.
Lankford, Md.
Libonati, D., Ill.
McCormack, D., Mass.
McGovern, R., S. Dak.
Lane, D., Mass.
Lisinski, D., Mich.
McFall, D., Cal.
McCarthy, D., Minn.
McFall, D., Cal.
MacDonald, D., Mass.
Mack, D., Ill.
Madden, D., Ind.
Frelinghuysen, R., N.J.
Shelley, D., Ala.
Sheppard, D., Cal.
Sisk, D., Cal.
Staggers, D., Wyo.
Teller, D., N.Y.
Thompson, D., N.J.
Udall, D., Ariz.
Van Zandt, R., Pa.
Widnall, R., Neb.
Withrow, R., Wisc.
Yates, D., Ill.
Zelenko, D., N.Y.
Sullivan, D., Mo.
Thomas, D., Tex.
Tollefson, R., Wash.
Vanik, D., Ore.
Wainwright, R., NY.
Wier, D., Minn.
Wolverton, R. N.J.
Zablocki, D., Wisc.

OUR ENEMIES

(for the bill)

Abbitt, D. Va.
Adair, R., Ind.
Alexander, D., NC.
Allen, R., Ill.
Andrews, D., Ala.
Ashmore, D., S.C.
Baker, R., Tenn.
Barden, D., N.C.
Bates R. Mass
Beamer R., Ind.
Beckworth, D., Tex.
Bennett, D., Fla.
Berry, R., S. Dak.
Blitch, D., Ga.
Bolton, R., Ohio
Bosch, R., N.Y.
Boykin, D., Ala.
Breeding, D., Kans.
Broomfield, R. Mich
Brown, R., Ohio
Broyhill, R., Va.
Burleson, D., Tex.
Abernathy, D, Miss
Albert, D. Okla.
Alger, R. Tex.
Andresen, D. Minn.
Arends, R., Ill.
Avery, R., Kans.
Baldwin, R., Cal.
Bass, D., Tenn.
Baumharrdt, R., Oh
Becker, R., N.Y.
Belcher, Okla.
Bentley, R. Mich.
Betts, R., Ohio
Boggs, D., La.
Bonner, D. N.C.
Bow, R., Ohio
Bray, R., Ind.
Brooks, D., La.
Brown, D., Ga.
Brownson, R., Ind.
Budge, R. Idaho
Bush, R., Pa.
Byrne, R., Ill.
Cederberg, R. Mich
Chelf, D., Ky.
Chipperfield, R., Ill.
Clevenger, R. Ohio
Colmer, D., Miss.
Cramer, R., Fla.
Dague, R., Pa.
Davis, D. Tenn.
Derounian, R., N.Y.
Dixon, R. Utah
Dowdy, D. Tex.
Elliott, D., Ala.
Evins, D., Tenn.
Feigan, D., Ohio
Fisher, D., Tex.
Ford, R., Mich.
Fountain, D., N.C.
Gary, D., Va.
George, R., Kans.
Griffin, D., Mich.
Gubser, R., Cal.
Byrnes, R., Wisc.
Chamberlain, R., Mich.
Chenoweth, R., Colo.
Church, R., Ill.
Collier, R., Ill.
Cooley, D., N.C.
Cunningham, R., Neb.
Davis, D., Ga.
Dawson, R., Utah
Devereaux, R., Md.
Dorn, D., SC.
Durham, D., N.C.
Everett, D., Tenn.
Fascell, D., Fla.
Fenton, R., Pa.
Flynt, D., Ga.
Forrester, D., Ga.
Frazier, D., Tenn.
Gathings, D., Ark.
Grant, D., Ala.
Gross, R., Iowa
Gwinn, R., N.Y.
Haley, D., Fla.
Harden, R., Ind.
Harris, D., Ark.
Harrison, D., Va.
Haskell, R., Del.
Hemphill, D., S.C.
Herlong, D., Fla.
Hiestand, R., Cal.
Hillings, R., Cal.
Hoffman, R., Mich.
Horan, R., Wash.
Hull, D., Mo.
Ikard, D., Tex.
Jarman, D., Okla.
Jensen, R., Iowa
Jonas, D., N.C.
Judd, R., Minn.
Kilday, D., Tex.
Kirchin, D., N.C.
Kreuger, R., N. Dak
Laird, R. Wisc.
Latham, R., N.Y.
Lipscomb, R., Cal.
McCulloh, R., Ohio
McGreggor, R., Ohio
Halleck, R., Ind.
Hardy, D., Va.
Harrison, R., Neb.
Harvey, R., Ind.
Herbert, D., La.
Hess, R., Ohio
Hill, R., Col.
Hoeven, R., Iowa
Holt, R., Cal.
Hosmer, R., Cal.
Hyde, R., Md.
Jackson, R., Cal.
Jennings, D., Va.
Johnasen, R., Mich.
Jones, D., Ala.
Kilburn, R., N.Y.
Kilgore, D., Tex.
Knox, R., Mich.
Lafore, R., Pa.
Landrum, D., Ga.
Lennon, D., N.C.
Loser, D., Tenn.
McDonough, R., Cal.
McIntire, R., Maine
McIntosh, R., Mich.
McVey, R., Ill.
Mahon, D., Tex.
Mason, R., Ill.
May, R., Conn.
Miller, R., Md.
Miller, R., N.Y.
Minshall, R., Ohio
Morrison, D., La.
Murray, D., Tenn.
Neal, D., Va.
Nimtz, R., Ind.
Norrell, D., Ark.
Ostertag, R., N.Y.
Patman, D., Tex.
Pilcher, D., Ga.
Poage, D., Tex.
Preston, D., Ga.
Quie, R. Minn.
Ray, R., N.Y.
Reed, R., N.Y.
Rhodes, R., Ariz.
Riley, D., S.C.
Robison, R., N.Y.
Rogers, D., Fla.
McMillan, D., S.C.
Mack, R., Wash.
Martin, R., Mass.
Matthews, D., Fla.
Meader, R., Mich.
Miller, R., Neb.
Mills, D., Ark.
Mitchell, D., Ga.
Mumma, R., Pa.
Natcher, D., Ky.
Nicholson, R., Mass.
Norblad, R., Ore.
O'Hara, R., Minn.
Passman, D., La.
Pelly, R., Wash.
Pillion, R., N.Y.
Poff, R., Va.
Prouty, R., Vt.
Rains, D., Ala.
Reece, R., Tenn.
Rees, R., Kans.
Riehlman, R., N.Y.
Rivers, D., S.C.
Robison, R., Ky.
Rogers, D., Tex.
Rutherford, D., Tex.
Schenck, R., Ohio
Scott, D., N.C.
Scudder, R., Cal.
Sheehan, R., Ill.
Siller, R., Ky.
Simpson, R., Pa.
Smith, D., Miss.
Spence, D., Ky.
Stauffer, R., Pa.
Taber, R., N.Y.
Teague, R., Calif.
Tewes R., Wisc.
Thompson, D., Tex.
Thornberry, D. Tex.
Truck, D., Va.
Van Pelt, R., Wisc.
Vorys, R., Onio
Walter, D., Pa.
Weaver, R., Neb.
Wharton, R., N.Y.
Whitten, D., Miss.
Williams, D., Miss.
Wilson, R., Cal.
Winstead, D., Miss.
Young, D., Tex.
St. George, R., N.Y.
Scherer, R., Ohio
Scrivner, R., Kans.
Selden, D., Ala.
Sikes, D., Fla.
Simpson, R., Ill.
Smith, R., Cal.
Smith, D., Va.
Springer, R., Ill.
Steed, D., Okla.
Taylor, R., N.Y.
Teague, D., Tex.
Thompson, D., La.
Thompson, D., Wyo.
Utt, R., Cal.
Vinson, D., Ga.
Vursell, R., Ill.
Watts, D., Ky.
Westland, R., Wash.
Whitener, D., N.C.
Wigglesworth, R. Mass.
Willis, D., La.
Wilson, R., Ind.
Wright, D., Tex.
Younger, R., Cal.
Henderson, R., Ohio

ON THE FENCE

(Not Voting)

Allen, R., Cal.
Baring, D., Nev.
Buckley, R., N.J.
Burdick, R. N. Dak.
Denton, D., Ind.
Eberharter, D., Pa.
Engle, D., Cal.
Gordon, D., Ill.
Hays, D., Ark.
Jenkins, R., Ohio
Kearns, R., Pa.
Machrowitz, D., Mich.
Radwan, R., N.Y.
Anderson, D., Mont.
Blatnik, D., Minn.
Carnahan, D., Mo.
Christopher, D., Mo.
Dies, D., texas
Edmondson, D., Okla
Friedel, D., Md.
Gregory, D., Ky.
James, R., Pa.
Kearney, R., N.Y.
LeCompte, R. Iowa
Morris, D., Okla.
Roberts, D., Fla.
Robeson, D., Va.
Shuford, D., N.C.
Smith, R., Kans.
Trimble, D., Ark.
Rogers, R., Mass.
Seminski, D., N.J.
Talle, R., Iowa
Williams, R., N.Y.

Shut Up on Civil Rights, Smathers to Demo Chief

By The Associated Press

A leading Southern Democrat urged his party's national chairman to quit talking about civil rights and other issues that might damage party chances—and President Eisenhower described the Democrats as a hopelessly split party.

Sen. George A. Smathers (D.,Fla) in a letter to Chairman Paul M. Butler, urged that Butler "cease firing on the issues of 1960 and concentrate on winning the elections of 1958..."

Smathers wrote Butler that "I know your desire for Democrats to win (in the Nov. 4 congressional elections) is just as great as mine.

"However, I continue to read in the papers and hear on radio and television reports which I personally do not feel in any way enhance our chances in the elections in 1958, but to the contrary point up our differences and indicate to the country a division within our party...

"Certainly every knowledgeable Democrat recognizes that the issue of civil rights is a delicate and difficult one because of the differing background and experience of Democrats within our party.

"However, I am sure that you must also appreciate that it is not a general issue in the fall elections of 1958, and that a continuing discussion of it takes people's minds off of the virtues of the Democratic Party, the reasons why our candidates should be elected in 1958, and in fact, takes the attention off of fine candidates themselves.

"Our candidates are each running within the boundaries of his own state. Each knows best what the issues should be in his particular campaign and very properly he will pick them."

Smathers' statement came as a part of the feuding by Southern Democrats with their party's national chairman.

What aroused the ire of the Southerners was a statement Sunday by Butler. He told interviewers Southern Democrats ought either to accept a strong civil rights plank in the 1960 Democratic platform or leave the party.

Several Dixie Democrats said Butler should leave the party. One called him a radical and another said he was pitching for "northern radical votes and special minority interests."

In Wheeling, W. Va., Butler appeared to soften his stand somewhat Monday night, saying "we're certainly not going to read anybody out of the party."

"Inevitably there will be some people who will not go along with the party platform," he added. Butler said he does not think such a split will hurt the Democrats in the 1960 presidential campaign.

Eisenhower, in a hard-hitting speech for Republican candidates in California, said the Democrats have "political schizophrenia"—split personality.

Without referring to the Butler-Dixie row, Eisenhower said the Democrats are divided into widely separated wings—one in the South and "at the other extreme . . . the stronger wing, dominated by political radicals."

Butler and Southern Democrats have been on the outs at various times over the past few years. His Sunday jab at the Dixie faction had some of the Southerners seething.

Sen. Spessard Holland (D., Fla.) chided Butler for "injecting this discordant note into the campaign."

Louisiana State Sen. W. M. Rainach said that when Southerners regain what he called their traditional leadership in the national party "there will be no place at the top levels for such radicals as Paul Butler."

HOLLAND SMATHERS BUTLER

Our Opinions

Civil Rights Or Civil War

Southern segregationists need not think that they can bomb their way out of the school integration ruling. The Federal Courts, thank God, and the Negro people will yield not one inch on the guarantees of the 14th Amendment which underlie the principle of equality of opportunity.

Those dynamite blasts which are now occurring at frequent intervals, are, in effect, a challenge to the Federal government. Unfortunately, the government has not taken up the challenge with the requisite dispatch and effectiveness.

Although evidence was presented to the Department of Justice that an inter-state conspiracy existed and that the bombings in one place were related to those in another, President Eisenhower preferred to regard the crimes as state responsibilities.

The FBI has been alerted, and in some instances is cooperating with local police, however the full force of Mr. Hoover's organization has not yet been set in motion. Presumably the FBI is restrained by orders from the White House.

Here again is an opportunity for vigorous leadership which is being forfeited. There is, of course, a logical explanation for this, if logic can explain the President's actions. Mr. Eisenhower has, by words and deeds, advocated a slower pace for integration. The bombings are intended to carry out that suggestion.

They are the inevitable results of an official policy which has encouraged rather than discouraged disobedience of the law.

For nearly four years Ike kept ominously quiet on integration. When he finally was prodded into stating his personal views on the matter, what he said was damaging to the cause of civil rights.

Up to now Mr. Eisenhower has not dispelled the belief shared by many that he is not wholeheartedly on the side of integration. Yes, he has advised the people to respect the orders of the courts, but, he added a footnote saying that as Chief Executive he cannot express agreement or disagreement with Supreme Court's rulings. The effect of such a view has been psychologically devastating.

Something more than admonition is necessary before justice can be fully secured. What is sorely needed is the realization in high places that the laws being broken by the Confederate Underground are the same as those being defied by Gov. Faubus and his carbon-copy Gov. Almond. They are laws governing not only the protection of property and the use of explosives. They are laws governing the rights of man.

Many Southern leaders recognize this. But their efforts to carry out the law are hampered and nullified by the failure of the President to recognize the moral issue underlying the challenge. Until Mr. Eisenhower throws the full might of his office into the raging battle for civil rights, offering encouragement and leadership, the segregationists will continue to defy the law with bombs and other weapons in the arsenal of race hate.

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CIVIL RIGHTS AGENCY SLOW TO GET GOING

Time Lost in Forming Commission A Factor in Delaying Action

By ANTHONY LEWIS
Special to The New York Times.

WASHINGTON, June 14—On Monday of this week Gordon MacLean Tiffany was sworn in as staff director of the Civil Rights Commission. It was nine months to the day from the enactment of the law that created the commission, the Civil Rights Act of 1957.

But the aims and powers of the commission still remain something of a mystery. Hardly anyone, including the members of the commission staff, has a very clear idea of what it will do before its life ends, on Sept. 9, 1959.

In part the uncertainty stems from the act's somewhat vague statement of commission duties. It provides that the group shall, first, investigate sworn complaints about discriminatory denials of the right to vote; second, "study and collect information concerning legal developments constituting a denial of equal protection"; third, "appraise" the Federal Government's laws on the subject.

First Expectation

The general expectation, including the commission's, has been that the first of those jobs would be the consuming interest. The impression was that the group would hold hearings around the country to look into charges that various devices were being used to keep Negroes from voting.

But the surprising fact—announced by Mr. Tiffany this week—is that no properly sworn complaints about denials of voting rights have yet been received. The reasons can only be guessed.

In many parts of the South Negroes might be afraid to sign their names to complaints against discriminatory treatment. There have been, at least, many allegations of physical and economic reprisals for such public protests.

But the Civil Rights Act does not require the injured person to swear out the complaint. It could be done by ministers or other Negro leaders. And these leaders, who are lacking in neither skill nor courage, have not come to the commission with proper complaints either.

One explanation is simply the great delay there has been in getting the Civil Rights Commission going. It took two months for President Eisenhower to pick the six commissioners, then more time to replace the chairman, retired Supreme Court Justice Stanley F. Reed, who withdrew.

Finding Mr. Tiffany was the longest job of all. And then Southern Democrats in the Senate did all they could to delay his confirmation.

In any case, the commission is now ready to go to work. Its staff is perhaps half completed. And the commissioners themselves, Southern and Northern, have given every indication of wanting to start doing something.

In the absence of sworn voting complaints, the commission this week bit off the second duty prescribed by the act. This is the general language about studies of denials of equal protection. What does that mean?

Denials of equal protection could includle racial discrimination in any field. The big question in the minds of observers has been whether the commissiton would tackle the really controversial area — schools — and get into the bitter Southern battle over integration.

The decision this week was to begin studies in the areas of voting, education and housing. The commission thus did get into the school problem. But just how it will remain uncertain, because no one knows what the word "studies" entails—a mere summary of state anti-integration laws, for example, or a more penetrating survey of local conditions.

The commission has also taken up an optional power, authorized in the act, to appoint state advisory committees.

Loose Definition

Again, the role of these advisory committees has not been defined with any precision. Mr. Tiffany has said, for the commission, that they will gather facts and make suggestions. It has been hoped, more generally, that they will serve as a device to restore inter-racial communications in the South.

No status report on the commission would be fair without a word about the other, entirely separate new body set by the 1957 act—the Civil Rights Division of the Justice Department. Here, too, the picture is one of delay as well as som mystery.

The designee as Assistan Atttorney General to head th division, W. Wilson White, is still awaiting action by the Senate Judiciary Committee on his nomination. Months ago Southern members of the committee demanded an additional hearing on Mr. White; it has yet even to be scheduled.

The new statutory provision allowing the Justice Department to get injunctions against voting infringements—the heart of the 1957 act—has not been used once. On some internal issues in the Justice Department the Civil Rights Division has been so cautious that it has been privately accused of bending over backwards to avoid being pro-civil rights.

All this is by no means evidence that the two new organizations set up by the Civil Rights Act of 1957 are without value. But it clearly will be some time before the commission and the division exert any heavy influence in the continuing battle over civil rights in the United States.

mission has before it only a story by a Washington Post Times Herald reporter relating how two Negroes died after brushes with the police and a third suffered gunshot wounds in incidents occurring over the last few months.

Tiffany said the commission decided it will determine what action to take when and if complaints are filed.

He said the commission will not consider rumors, but would like to hear from those having direct knowledge of the alleged mistreatments.

'ROUND AND 'ROUND AND 'ROUND

Seibel in The Richmond Times-Dispatch

U.S. to Put Spotlight On 'Rights'

WASHINGTON —(AP)— The Federal Civil Rights Commission Tuesday directed an immediate inquiry into three broad fields of civil rights — voting, education, and housing.

TIFFANY

It put off a decision whether to investigate alleged mistreatment of Negroes at or near Dawson, Ga., by police officers, pending receipt of complaints.

Gordon M. Tiffany, commission staff director, said the fact-finding inquiry will be conducted in conjunction with advisory committees in the various states.

The inquiry, Tiffany said, will not be directed toward any particular area. He said it will be conducted under commission authority to collect information regarding legal developments that constitute a denial of equal protection of the law.

As for the Dawson, Ga., matter, Tiffany said the com-

Civil Rights Staff Director Is Sworn

Associated Press Wirephoto

Gordon M. Tiffany receives commission from the President

WASHINGTON, June 9 (UPI)—Gordon M. Tiffany, former Attorney General of New Hampshire, was sworn in today as the first staff director of the new Civil Rights Commission. His family and President Eisenhower attended the ceremony.

The President congratulated the Concord lawyer at the brief White House ceremony. He said he hoped Mr. Tiffany would find his new assignment rewarding.

The President nominated Mr. Tiffany, 45 years old, a Republican, for the post in February. But Southern Democrats delayed his confirmation by the Senate until last month.

He has been doing preliminary work on the commission since February as a $50-a-day consultant. He will be paid $22,500 as staff director.

The commission was created by last year's Civil Rights bill to investigate alleged violations of citizens' rights.

Two members of the commission, Robert G. Storey, Dean of Southern Methodist University Law School, vice chairman, and former Gov. Doyle E. Carlton of Florida, were among the small group of government officials and personal friends who attended today's ceremony.

Mr. Tiffany's wife and two children, Billy, 12, and Jean, 9, stood beside him as he took his oath.

Rights Commission Begins Study Of 205 Complaints

WASHINGTON — (INS) — The Civil Rights commission, newly blessed by the Senate, Wednesday launched a grass-roots study of civil rights infractions across the nation.

The commission, meeting for the first time since its key officers were formally confirmed by the Senate, approved the formation of two advisory committees for Texas and Indiana.

Staff Director Gordon M. Tiffany said the two committees were the first of similar groups to be set up eventually for all the states. Each of the nine-man committees has one Negro member.

The state committees will advise the Washington-based commission on civil rights problems in their areas.

Tiffany said screening of complaints, mainly on bars to voting rights, will be handled by the commission in Washington, though individuals may also file complaints to the state committees.

The commission has received 205 complaints of civil rights violations—none of them supported by notarized affidavits as required by the civil rights act.

He said the complainants will be notified within six weeks of the proper legal requirements and requested to make new submissions.

The commission, which is still busy hiring a staff, will then dispatch representatives to make field inquiries into the complaints.

The commission is required by law to make a final report to the President and Congress by Sept. 9, 1959, when it is due to expire.

Tiffany told a news conference that he did not believe the commission would ask Congress for an extension of its life span.

Butler Rules Out Deal on Rights

By ALLEN DRURY

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WASHINGTON—Paul M. Butler, Democratic National Committee chairman, Wednesday denied that he had tried to read Southerners out of the Democratic Party. But he made it plain that there would be no compromise with them on the issue of civil rights.

And he invited them, in effect, to oust him from the national chairmanship if they didn't like his views—and if they had the votes to do it.

In a "no compromise" speech to the National Press Club, Butler took on both his Southern critics and the Republican party. He said such leaders of the GOP as president Eisenhower, Vice President Nixon and national chairman Meade Alcorn had indulged in "smears" and "name-calling" in the congressional campaign.

Butler indicated clearly his confidence that if nayone left the Democratic party, it would be some Southerners. He foresaw the possibility of a Southern walkout at the 1960 presidential nominating convention, and said a third party might be formed to accommodate Southern views on race.

For the national party, he pledged flatly that there would be no compromise on "the moral issue of racial integration."

The chairman thus resumed the offensive in his running warfare with Southern Democrats who have been highly critical of his views on the civil rights issue.

His remarks showed a willingness on the part of Northern liberals in the party to break openly with the South rather than retreat from their support of Supreme Court decisions opposing racial discrimination and ordering integration in the schools.

Only yesterday Sen. Smathers (D-Fla), one of the more moderate Southerners who oppose a third party, urged Butler to forget the divisive civil rights issue until 1960 and concentrate right now on electing a Democratic Congress on Nov. 4. Butler followed this advice Wednesday in his prepared text. But as soon as informal questioning began, he pulled no punches in stating exactly where he stood.

He said he had "not read anybody out of the party, will not read anybody out of the party, and I have no authority to read anybody out of the party." He said, however, that there was a possibility that the 1960 convention might adopt a strong civil rights plank in the platform and that this "might very well result in some Democrats walking out of the convention."

"I believe there will be no compromise," he said, "on a problem as clearly and definitely a moral issue as is the racial question. I do not believe there can be any compromise in the Democratic National Convention of 1960 on the issue of integration."

Former President Truman disagreed Wednesday night with Butler's challenge to Southern Democrats who do not favor the party's stand on integration.

"I am not reading anyone out of the Democratic party," Truman said. "I want all the people in the Democratic column."

Truman said the integration issue eventually will be settled "by good will and common sense."

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Shun Rights As Congress Opens

By ETHEL L. PAYNE

WASHINGTON — Only a trickle of civil rights bills went into the hopper during the first week of the second session of the 85th Congress. The Hill was too pre-occupied with worry over the arms lag and the squabbling among the services to give attention to domestic matters.

Nevertheless, some bills were introduced, all on the House side, with a promise of more to come from both chambers.

WANTS CIVIL ACTION

Honor for first place went to Rep. John Dingell (D) Mich., with H. R. 9652 — to authorize the Attorney General to institute for the United States a civil action for preventine relief whenever any acts have been committed which would give rise to a cause of action under section 1980 of the revised statutes — to the Committee on the Judiciary.

This is an attempt to restore the part III of H. R. 6127 of last year which was knocked out in a bi-partisan move after southerners raised the cry that it gave the President power to send troops in to force civil rights compliances.

Rep. Kenneth Keating (R) N.Y., a co-author with Rep. Emanuel Celler (D) N. Y., of the civil rights bill passed at the last session introduced two new bills: H. R. 9666 and 9667; the first one a bill to add on more civil rights protection to existing laws and the other, a bill to prohibit the use of the National Guard to obstruct the enforcement of any federal law or any order of the federa court to the Committee of Armed Services.

In exact opposition to this is the anti-civil rights bill of Rep. Overton Brooks (D) La., prohibiting the President from calling out the National Guard and from using federal troops in the enforcement of state laws and federal court orders, and for other purposes to the Committee on Armed Services.

POWELL HAS FOUR

Adam Clayton Powell got on board with four bills. H. R. 9701, an anti-lynching bill to the Judiciary committee; 9704, an FEPC bill to prohibit discrimination in employment to the Committee on Education and Labor; 9705, to eliminate discrimination and segregation in the National Guard and Air National Guard and to prohibit the use of the National Guard to aid and abet violations of federal law to the Committee on Armed Services.

H. R. 9707 is an anti-poll tax bill referred to the Committee on House Administration.

In addition to these bills Powell announced he was ready with anti-discrimination riders to all bills on federal aid to Education and defense.

SENATE STIRS

Rumblings in the Senate of more civil rights actions to come, while still modest have been heard.

Senator Paul Douglas (D) Ill., a leader in the last session's fight for civil rights, announced he would introduce a bill to "define more clearly" the protection of voting rights.

Recently returned from a tri abroad which dealt primarily with trade and financial issues, Douglas declared that the trip "deepened my conviction that Congress must again consider added protections for the Constitutional rights of our Negro citizens. Our country's world position is seriously weakened by our continuing failures in this respect," he said.

MORSE CHALLENGES

And from Sen. Wayne Morse (Independent) Ore., came the challenge to his Senate colleagues to pass a civil rights bill which had teeth in it and scrap the one passed in the last session in Congress which he voted against and said he would do again if he had the chance.

Senator Thomas C. Hennings (D) Mo., urged the Justice department to implement last year's civil rights law by providing citizens with information on how to protect federal voting rights.

Hennings, in a letter to Attorney General William Rogers, suggested that in all post offices and federal buildings the Justice department display bulletins: summarizing the right-to-vote provisions of the 1957 civil rights bill.

KEEPS RECORDS CLOSED—Judge Wallace.

Wallace Bars Federal Men From Files

CLAYTON, Jan. 19 (AP)—A South Alabama judge declared today that records of his court will be closed to Federal civil rights investigators.

Circuit Judge George Wallace said he is uncertain whether the order can include voting records, but that he is studying that possibility.

Voter registration is handled by a separate board whose members themselves are defined by law as judicial officers.

Wallace, a probable candidate for governor in the Democratic primary in Alabama this Spring, announced his action in a prepared statement. He said he has given verbal instructions to the clerk of his court and a formal order is being prepared. His circuit, composed of Barbour, Bullock and Dale Counties, has a heavy Negro population.

The judge said the new civil rights commission as a part of the executive branch of the government has no constitutional right to "review or condemn" the actions of state courts.

"Only a higher court has such authority under our separation of powers theory of government," the statement declared.

"Any attempt by the civil rights commission to collect information for such purpose would be a gross usurpation of authority by the executive branch and a direct encroachment upon the judicial branch of state government."

Wallace said any subpena issued by the civil rights commission to see the records of his court will be refused and "the legality of such subpenas shall be tested in the courts of the land." He said further that any Federal agent who persists in trying to get information in violation of his order "will be treated as a contemptor having committed contempt in the presence of the court." That could mean a fine or jail sentence.

Wallace, who previously threatened to jail any FBI agent who tried to investigate jury rolls in his circuit, said the records of his court are public documents, but only to be used "for a lawful purpose."

He said it would be "an illegal action" for the civil rights commission to review the court records to see if the judge had denied "equal protection under the laws." Therefore, he said, the records would not be available for such use.

Wallace said his refusal to let Federal agents see his court files "is not defiance, but legal resistance within the law."

He also disavowed any race baiting intent, saying his action is deemed solely at "preserving that system of government which has made it possible for all citizens, regardless of race, creed or color, to enjoy freedom and peace."

Bill Proposed To Regain Part 3 Of Rights Law

WASHINGTON, D. C. (NNPA)—Representative Emanuel Celler, Democrat, of New York, Monday introduced a civil rights bill in the House embodying Part III which was stricken from the Civil Rights Act of 1957 by the Senate last July.

The Celler bill would authorize the Attorney General to institute for or in the name of the United States a civil action to enjoin threatened violations of constitutional right.

The attorney General would be authorized to institute such an action whenever he should determine that any person or group of persons are being deprived or, or are being threatened with loss of their right to the equal protection of the laws because of their race or religion, and such person or group of persons are unable for any reason to protect their right to the equal protection of the laws.

Since the Supreme Court decided in the school segregation cases that racial segregation deprived colored persons of the equal protection of the laws guaranteed by the 4th Amendment, the Celler bill, if enacted, would give the Attorney General power to bring suits to compel school desegregation.

The bill also would give Federal courts jurisdiction of actions instituted by the Attorney General under its provision and dispenses with any requirement that state administrative or judicial remedies be exhausted.

Mr. Celler, chairman of the House Judiciary Committee, was one of the sponsors of the Eisenhower Administration's civil rights bill in the House last session.

RIGHTS AT INQUIRY AGAIN COURT ISSUE

New Cases Raise Questions on Legislative Powers in Wake of Watkins Ruling

By ANTHONY LEWIS

Special to The New York Times.

WASHINGTON, March 30—Difficult questions left unanswered in Supreme Court decisions last June on the rights of witnesses before legislative committees are coming back to the court. The new cases have just as much potential for controversy.

The 1957 cases involved John T. Watkins and Paul M. Sweezy. Mr. Watkins refused to answer questions about Communist affiliations put to him by the House Committee on Un-American Activities. He was convicted of contempt.

The Supreme Court reversed the conviction. The majority opinion, by Chief Justice Earl Warren, said that the House committee had not sufficiently explained to Mr. Watkins the pertinence of its questions to a valid legislative purpose. This failure, the court found, violated the witness's constitutional right to fair notice of his duty.

Other Matters Raised

The Chief Justice's opinion went beyond this to discuss other matters. It spoke of the vagueness of the committee's authorizing resolution, and the possible infringement by questions of First Amendment freedoms of speech and belief.

It did not make clear whether these other grounds would require reversal of a contempt conviction.

These questions are back in the court. They arise in the case of Lloyd Barenblatt, former instructor at Vassar College who refused to answer committee questions about alleged Communist activities.

After the Watkins decision the court vacated a contempt judgment against Mr. Barenblatt and sent it back to be reconsidered. The Court of Appeals here then reaffirmed the conviction by 5 to 4. The majority found that Mr. Barenblatt, unlike Mr. Watkins, had had ample warning of the pertinence of the questions.

Views of Dissenters

Two dissenters on the Appeals Court read the Watkins case as having held the committee resolution to be so vague that the panel had no power to compel testimony. The two other dissenters said that because of First Amendment considerations, the committee could not investigate in the field of education, at least not without a more specific authorization from Congress.

The Supreme Court has now been asked to review the case again and to adopt the views of the Appeals Court dissenters.

The American Civil Liberties Union is supporting Mr. Barenblatt's case.

Edward J. Ennis, Osmond K. Fraenkel, Barent Ten Eyck and Rowland Watts, four of its lawyers, have joined in a petition for a Supreme Court review with Mr. Barenblatt's original attorney, David Scribner of New York.

The Government has filed a brief opposing a further review. Its position is that the Watkins decision should be confined to its narrowest possible interpretation.

However, it says that if the court feels the committee resolution is too vague to support contempt citations, the court should summarily reverse Mr. Barenblatt's conviction without further argument.

The Barenblatt case may be affected also by last year's decision involving Mr. Sweezy. He had been questioned by Louis C. Wyman, the Attorney General of New Hampshire, who had been appointed a one-man investigating committee for the State Legislature.

Lecture at Issue

Mr. Sweezy, an economist and educator, answered all questions except those on two subjects—a lecture he had given at the University of New Hampshire and the Progressive Party. For the refusal he was convicted of contempt.

The high court reversed the conviction. The Chief Justice, writing for the majority, followed the Watkins pattern and held that the New Hampshire Legislature had not made sufficiently clear a desire that Mr. Wyman get the answers to the particular questions asked of Mr. Sweezy.

Again there were broader overtones to the opinion. Justice Felix Frankfurter, concurring separately with Justice John Marshall Harlan, said the conviction could not stand because the questions had been too damaging to the academic freedom of an educator.

Another New Hampshire case may now provide a test of the Sweezy holding. It concerns Willard Uphaus, a teacher and pacifist who operates the New Hampshire World Fellowship Center, Inc.

He refused to give the Attorney General list sof persons who had stayed at the center. He was convicted of contempt. The New Hampshire Supreme Court, dividing, 3—2, affirmed the conviction. The dissenters said:

"The order of the court will operate as a deterrent upon the right of free speech and peacable assembly guaranteed by the Constitution."

Last fall the Supreme Court vacated the judgment against Mr. Uphaus and sent it back to the New Hampshire court for reconsideration in the light of the Sweezy case. The state court reaffirmed the conviction.

Mr. Uphaus has again asked the Supreme Court to consider his case. He is represented by Royal W. France of New York. The Emergency Civil Liberties Committee is helping to support the appeal.

The Uphaus and Barenblatt cases are among at least a half-dozen on their way to the Supreme Court that raise questions about the power of legislative committees.

Both Congress and state legislatures have reacted strongly against the limited restraints put on their committees by the court so far. More controversy seems to lie ahead.

CIVIL RIGHTS FUNDS APPROVED IN HOUSE

Southerners Are Overridden —Tiffany Discloses Plans

5 INVESTIGATING TEAMS

From The Commercial Appeal Washington Bureau

WASHINGTON, March 31. — The House overrode Southern opposition Monday and voted 105 to 65 in favor of an Administration request for $750,000 to finance the new Civil Rights Commission in the fiscal year beginning July 1.

The vote came on an amendment to an appropriations bill to run the White House next fiscal year. The amendment is subject to a final vote Tuesday on the whole bill.

Meanwhile, recent testimony by Gordon Tiffany, acting staff director of the commission, was released and disclosed some of the commission's plans.

Budgets Proposed

Mr. Tiffany, whose appointment is still awaiting Senate confirmation, testified the commission plans to take its case to the public in an effort to win nationwide support.

He said one of the first steps will be to create a division on research and planning.

One of its duties, he said, will be to try to "stimulate interest among the citizens of the country" much as the Hoover Commission aroused support for its proposals.

He proposed that the division have seven employes and a budget of $49,215 for salaries.

He said the commission plans to field five teams of investigators to study civil rights complaints throughout the nation.

Each team would consist of a lawyer and two investigators.

Two Preliminary Steps

The teams would come under a survey division which would have 18 employes and a budget of $120,190.

Before the investigators began field inquiries, complaints of civil rights violations would clear two steps.

First, the complaints would go to the reports and analysis division, which would have nine employes and a budget of $65,535.

Next, if this division approved, the complaints would go to the legal division, which would have 15 employes and a budget of $101,510.

Then, if the legal division approved, the complaints would be turned over to the investigative division.

Appropriations Committee Sets $750,000 Quota

By LOUIS LAUTIER

WASHINGTON (NNPA) — The House Appropriations Committee has recommended an appropriation for $750,000 for the Civil Rights Commission for the fiscal year beginning July 1, but disallowed the request for $200,000 to run the Commision to that date.

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The budget estimate for 1958 for the Commission was intended to reimburse the President's fund.

The committee report pointed out that as of last Jan. 6 there remained in the President's emergency fund an unallocated balance of $725,000 out of an original appropriation of $1,000,000.

As of last March 25, obligations against the $200,000 allocated to the Commission totalled only $26,004.92.

"It would appear that adequate funds are available to continue operations on the present basis," the report said.

"Further, since the unobligated balances of both the Emergency Fund and the funds available to the Commission revert to the Treasury on June 30, 1958, an appropriation to the Commission at this time, for fiscal year 1958, would serve only as a bookkeeping transaction."

The full committee made its report after the subcommittee headed by Representative George W. Andrews, Democrat, of Alabama, had held hearings on the budget estimate for the Commission.

A majority of the 10-member subcommittee, three members of which are Southerners, recommended the appropriation for the Commission in the report which was adopted by the full committee.

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Dr. John A. Hannah, president of Michigan State University and chairman of the Commission, appeared before the subcommittee on March 25 and testified in support of the budget estimate.

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RIGHTS AT INQUIRY AGAIN COURT ISSUE

New Cases Raise Questions on Legislative Powers in Wake of Watkins Ruling

By ANTHONY LEWIS

Special to The New York Times.

WASHINGTON, March 30—Difficult questions left unanswered in Supreme Court decisions last June on the rights of witnesses before legislative committees are coming back to the court. The new cases have just as much potential for controversy.

The 1957 cases involved John T. Watkins and Paul M. Sweezy. Mr. Watkins refused to answer questions about Communist affiliations put to him by the House Committee on Un-American Activities. He was convicted of contempt.

The Supreme Court reversed the conviction. The majority opinion, by Chief Justice Earl Warren, said that the House committee had not sufficiently explained to Mr. Watkins the pertinence of its questions to a valid legislative purpose. This failure, the court found, violated the witness's constitutional right to fair notice of his duty.

Other Matters Raised

The Chief Justice's opinion went beyond this to discuss other matters. It spoke of the vagueness of the committee's authorizing resolution, and the possible infringement by questions of First Amendment freedoms of speech and belief.

It did not make clear whether these other grounds would require reversal of a contempt conviction.

These questions are back in the court. They arise in the case of Lloyd Barenblatt, former instructor at Vassar College who refused to answer committee questions about alleged Communist activities.

After the Watkins decision the court vacated a contempt judgment against Mr. Barenblatt and sent it back to be reconsidered. The Court of Appeals here then reaffirmed the conviction by 5 to 4. The majority found that Mr. Barenblatt, unlike Mr. Watkins, had had ample warning of the pertinence of the questions.

Views of Dissenters

Two dissenters on the Appeals Court read the Watkins case as having held the committee resolution to be so vague that the panel had no power to compel testimony. The two other dissenters said that because of First Amendment considerations, the committee could not investigate in the field of education, at least not without a more specific authorization from Congress.

The Supreme Court has now been asked to review the case again and to adopt the views of the Appeals Court dissenters.

The American Civil Liberties Union is supporting Mr. Barenblatt's case.

Edward J. Ennis, Osmond K. Fraenkel, Barent Ten Eyck and Rowland Watts, four of its lawyers, have joined in a petition for a Supreme Court review with Mr. Barenblatt's original attorney, David Scribner of New York.

The Government has filed a brief opposing a further review. Its position is that the Watkins decision should be confined to its narrowest possible interpretation.

However, it says that if the court feels the committee resolution is too vague to support contempt citations, the court should summarily reverse Mr. Barenblatt's conviction without further argument.

The Barenblatt case may be affected also by last year's decision involving Mr. Sweezy. He had been questioned by Louis C. Wyman, the Attorney General of New Hampshire, who had been appointed a one-man investigating committee for the State Legislature.

Lecture at Issue

Mr. Sweezy, an economist and educator, answered all questions except those on two subjects—a lecture he had given at the University of New Hampshire and the Progressive Party. For the refusal he was convicted of contempt.

The high court reversed the conviction. The Chief Justice, writing for the majority, followed the Watkins pattern and held that the New Hampshire Legislature had not made sufficiently clear a desire that Mr. Wyman get the answers to the particular questions asked of Mr. Sweezy.

Again there were broader overtones to the opinion. Justice Felix Frankfurter, concurring separately with Justice John Marshall Harlan, said the conviction could not stand because the questions had been too damaging to the academic freedom of an educator.

Another New Hampshire case may now provide a test of the Sweezy holding. It concerns Willard Uphaus, a teacher and pacifist who operates the New Hampshire World Fellowship Center, Inc.

He refused to give the Attorney General list sof persons who had stayed at the center. He was convicted of contempt. The New Hampshire Supreme Court, dividing, 3—2, affirmed the conviction. The dissenters said:

"The order of the court will operate as a deterrent upon the right of free speech and peacable assembly guaranteed by the Constitution."

Last fall the Supreme Court vacated the judgment against Mr. Uphaus and sent it back to the New Hampshire court for reconsideration in the light of the Sweezy case. The state court reaffirmed the conviction.

Mr. Uphaus has again asked the Supreme Court to consider his case. He is represented by Royal W. France of New York. The Emergency Civil Liberties Committee is helping to support the appeal.

The Uphaus and Barenblatt cases are among at least a half-dozen on their way to the Supreme Court that raise questions about the power of legislative committees.

Both Congress and state legislatures have reacted strongly against the limited restraints put on their committees by the court so far. More controversy seems to lie ahead.

CIVIL RIGHTS FUNDS APPROVED IN HOUSE

Southerners Are Overridden —Tiffany Discloses Plans

5 INVESTIGATING TEAMS

From The Commercial Appeal Washington Bureau

WASHINGTON, March 31. — The House overrode Southern opposition Monday and voted 105 to 65 in favor of an Administration request for $750,000 to finance the new Civil Rights Commission in the fiscal year beginning July 1.

The vote came on an amendment to an appropriations bill to run the White House next fiscal year. The amendment is subject to a final vote Tuesday on the whole bill.

Meanwhile, recent testimony by Gordon Tiffany, acting staff director of the commission, was released and disclosed some of the commission's plans.

Budgets Proposed

Mr. Tiffany, whose appointment is still awaiting Senate confirmation, testified the commission plans to take its case to the public in an effort to win nationwide support.

He said one of the first steps will be to create a division on research and planning.

One of its duties, he said, will be to try to "stimulate interest among the citizens of the country" much as the Hoover Commission aroused support for its proposals.

He proposed that the division have seven employes and a budget of $49,215 for salaries.

He said the commission plans to field five teams of investigators to study civil rights complaints throughout the nation.

Each team would consist of a lawyer and two investigators.

Two Preliminary Steps

The teams would come under a survey division which would have 18 employes and a budget of $120,190.

Before the investigators began field inquiries, complaints of civil rights violations would clear two steps.

First, the complaints would go to the reports and analysis division, which would have nine employes and a budget of $65,535.

Next, if this division approved, the complaints would go to the legal division, which would have 15 employes and a budget of $101,510.

Then, if the legal division approved, the complaints would be turned over to the investigative division.

Appropriations Committee Sets $750,000 Quota

By LOUIS LAUTIER

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It Never Pays, Mr. Hannah

Chairman John A. Hannah of the civil Rights Commission learned last week that appeasement, whether in Munich or Mississippi, simply doesn't pay.

Appearing before the Senate Judiciary Committee on Feb. 23, he practically grovelled in his frantic effort to win favor with Mississippi's Eastland and three other Southern hatchetmen on the committee.

Although under the law the powers of the committee were already limited, Hannah disappointingly agreed to weaken them further.

* * *

HE COLLAPSED under the bullying of the Dixiecrats and promised that the commission:

1. Would not use its subpoena powers to assist the Justice Department in developing cases;

2. Turn evidence of voting interference over to the Attorney General, who now has power to secure injunctions against such practices;

3. Investigate such brazen infringements on civil and constitutional rights as occurred in the Little Rock affair;

4. Would completely wash its hands of school integration matters.

* * *

IF THEY thought this backtracking on a issue so vital to the nation would be enough to satisify even the most Confederate-minded Senator, they were in for a rude awakening Monday.

All three won approval of the Judiciary Committee, but only with the solid support of those members from the more civilized areas of the nation.

Voting against Mr. Hannah despite his all out effort to win their favor was Mr. Eastland and his Dixie coterie of McClellan, Edwin and Johnston.

* * *

WE HOPE Mr. Hannah, as well as Mr. Wilkins and Mr. Hesburgh remember well the lesson taught by this first encounter with segregationists. There will be others.

If so, it will serve them well during the next 18 months.

The law specifically empowers the commission to "investigate" interference with the right of all citizens to vote; to "study" denials of equal protection of the laws and to "appraise" laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

Six of its alloted 24 months have already passed without anything having been accomplished.

We suggest it get about its business with all deliberate speed.

It can do so with the assurance that it has the best wishes and enthusiastic support of decent Americans—North and South.

Civil Rights Commission:

A Progress Report

AFTER last year's big fight over the civil rights bill, we've heard surprisingly little in recent months about the Civil Rights Commission, so created.

One reason for this is the shortage of business—there haven't been any recent elections to investigate. Another is that the commission has been busy getting things ready before the doors are opened.

Under provisions of the 1957 Civil Rights Act, the commission has the authority to investigate sworn complaints that voting rights have been violated, study legal developments that, it is alleged, deprive persons of equal protection of the laws and appraise the adequacy of existing civil rights legislation.

Just the other day, the commission adopted an organization chart which indicates what kind of business is expected. The commission's staff will be divided into five sections. Their duties and responsibilities were summarized by *The Washington Post* as follows:

¶ Reports & Analysis—The front office public contact of about a dozen employes who would receive and answer all communications including complaints and channel them to the experts.

¶ Survey—The field men who would investigate complaints (and be thrown in jail if they persisted in their efforts in Barbour County) and other matters the commission may deal with. The tentative plan is to have five three-man teams with a lawyer and two legmen each.

¶ Legal — A dozen or so lawyers including six who would be legal assistants to each of the commissioners. They would check complaints to determine whether voting laws had been violated and would make the studies of the adequacy of existing laws and developments depriving persons of rights.

¶ Secretariat—A liaison group of two or three persons maintain contact between the commission, staff, citizens advisory groups and special consultants.

¶ Planning & Research—A group of perhaps a dozen students of the civil rights problem, probably educators, who would study areas in which the commission could make a contribution and get people around the country interested in helping.

Staff Director George M. Tiffany had proposed only four sections. The commission, under Chairman John A. Hannah, added Planning & Research —a beginning in the finest bureaucratic tradition.

Proposed pay for the section chiefs is $12,000 a year. The staff, like the commission, is to be fully integrated—not only racially but geographically and politically.

So much for the preliminaries. Watch for the Grand Opening soon.

By the way, the commission shouldn't have to look far for its first customers, what with a job discrimination boycott looming in Washington.

The Civil Rights Act In Cobwebs?

The Civil Rights Act was signed into law on September 9, 1957. More than six months have passed, and many of us are wondering what contribution this law has made toward full equality in America. We are especially concerned since the Civil Rights Commission is an essential part of the Act and Congress limited the life of the Commission to two years.

In order to find out what has been done since September, we reviewed the events of the last several months. Apparently, nothing happened during September and October. The first move came on November 6th, with the appointment of the members of the Civil Rights Commission. This Commission, which must close up shop September 9, 1959, is to consist of three Democrats and three Republicans. They are empowered to investigate sworn charges relating to the denial of the right to vote because of color, race, religion or national origin, and to study the laws and policies relating to discrimination. The members of the Commission named by the President are all very distinguished gentlemen, but many labor and liberal organizations entertained some doubts as to whether three Southern Governors and a dean of a Southern law school would be the most effective investigators of civil rights abuses. It is interesting to note that all three Democrats appointed by the President are Southerners.

The new law also provided for an Assistant Attorney General for Civil Rights. Here, too, three months passed before W. Wilson White changed offices at the Justice Department, moving from the Legal Office to the Civil Rights Division. The President, if he had intended to immediately implement the Civil Rights Act, simply could have transferred White to his new post. Instead, he submitted the appointment to the Senate for confirmation, giving the Southern Senators on the Judiciary Committee, headed by Senator James O. Eastland of Mississippi, the opportunity to delay his appointment.

Immediate civil rights action on the part of the Commission was further stymied by the lack of a staff director. The director will be in charge of investigating civil rights complaints. What are the qualifications which the White House required for this assignment? It appears the most important requirement is that the director must not have a background of activity in the field of civil rights. This makes as much sense as a union appointing a research director who has no background of activity in research.

Finally, on February 17th, with one-quarter of the Commission's life gone, the director was picked. If this had been done two months earlier, the President could have made a recess appointment, and the Commission could have begun its work. But again, the appointment will have to be submitted to the Judiciary Committee and will inevitably face further delays.

The staff director for the Civil Rights Commission is to be Gordon M. Tiffany of New Hampshire, close personal friend of Sherman Adams and an individual who fulfills the President's requirements admirably.

Of course the Commission will also have a problem of appropriations since the Budget Bureau failed to send anyone up to Congress to justify the expenditure as is customary. While time slips by and the Commission waits for confirmation and funds, many Southern states are making voting requirements for Negroes even more difficult. We trust that Director Tiffany, and the former Governors of Virginia and Florida, who are on the Commission, consider this an area for investigation.

If the Commission is to accomplish anything, it must start soon!

FUND APPROVED FOR RIGHTS UNIT

$750,000 Is Voted Over Southern Opposition

WASHINGTON (AP)—The House appropriations committee overcame Southern opposition and approved an administration request for $750,000 to finance the civil rights commission in the year starting July 1.

The Southerners got a little help from Northern members, but the final vote was not announced. The full amount was approved on motion by Rep. Rooney (D-NY) after a move to cut it to $600,000 was defeated by a 14-14 tie vote.

The Southern members said they would renew their fight to block or cut the fund when the House considers next week an omnibus money bill in which the commission expense money was included.

The six-member commission was created by the civil rights bill passed last summer. It was directed to make a two-year study of laws and practices relating to civil rights generally and to investigate sworn charges of denial of voting rights.

The agency has faced one obstacle after another since President Eisenhower named its members last Nov. 7. First the chairman resigned within a few weeks and a new one was named Dec. 23. Then there was a delay in picking a staff director. One was named Feb. 19, subject to confirmation.

Eisenhower requested funds for the commission months ago, but the House committee refused to approve the request because commission members had not been confirmed by the Senate. Confirmation came March 4.

The commission has been operating with an allocation of $200,000 from the President's emergency fund. Up to last Tuesday, the House committee said Friday, only $26,004 had been obligated. For that reason, it was explained, the committee rejected a $200,000 appropriation to reimburse the President's fund.

The committee directed one of its Northern members, Rep. Rabaut (D-Mich), to take charge of the bill for the floor battle next week, thereby freeing Rep. Andrews (D-Ala) to lead the opposition. The Southerner, as chairman of the subcommittee that originally handled the bill, normally would have been its floor manager.

Lehman Urges Public Push for Civil Rights

By the United Press.

WASHINGTON, March 3.—Herbert H. Lehman, retired New York Democratic Senator, called today for public pressure on Congress to pass civil rights laws specifically banning racial discrimination in education, travel, employment and use of public facilities.

He proposed laws to give the courts and Justice Department more tools to force compliance with school desegregation decrees. He also said federal legislation is needed to protect the National Assn. for the Advancement of Colored People and the Urban League from "harassment and persecution by state governments."

Mr. Lehman made the proposals in a speech at Howard University, where he accepted an honorary doctor of laws degrees. The Negro University celebrated its 91st anniversary today.

Attacking "gradulism" in the elimination of racial discrimination, he said:

"The President must broaden his actions. He brought physical force to bear on the Little Rock situation. He is long overdue in applying moral force."

10 1958

Bipartisan House Bloc Drags Feet

Waits For Ike To Justify Funds For Commission

By ROBERT E. THOMPSON

WASHINGTON. — (INS) — A bipartisan civil rights bloc forced a delay Monday in House action on the 15 million dollar White House appropriation bill to give the administration a chance to justify funds for the new Civil Rights Commission.

Meanwhile, in the Senate, 10 Democrats and six Republicans launched a drive to push school desegregation through a 212 million dollar financial aid program and new Civil Rights authority for the attorney general.

The House action came in a vote of 85 to 67, approving a motion by Rep. John Taber (R) N. Y., that halted consideration of the bill which provides funds for operating the White House, paying the President's salary and financing some of his advisory agencies. However, the measure fails to provide money to operate the Civil Rights Commission.

Taber said the purpose of the motion was to give Dr. John Hannah, Civil Rights Commission chairman, an opportunity to appear before the appropriations committee to justify the administration's request for $750,000 for the agency.

The GOP move was supported by northern Democrats, but only after some of them sharply attacked the administration for "dragging its feet" in setting up the commission authorized by Congress last year.

Chairman Clarence Cannon (D) Mo., said hearings on the commission issue would begin soon after they are formally requested by the administration.

Rep. Sidney Yates (D) Ill., labeled the commission organization plans "a sorry mess." He asserted: "If the White House is to continue to pose as the great champion of Civil Rights, then it ought to take action to implement its program."

Rep. Adam Clayton Powell (D) N. Y., said it was a "deplorable situation" that the Civil Rights Commission has no funds and that none of its members has yet been confirmed by the Senate.

Senate hearings on the nominations of commission members are to begin Feb. 24.

On the school segregation issue, the 16-senator bipartisan bloc led by Sen. Paul H. Douglas (D) Ill., introduced legislation which they termed a "constructive approach" to the problem.

Central provision of the proposa would resurrect a provision knocked out of last year's Civil Rights law by the Senate. This would empower the attorney general to bring "preventive" action in cases where localities failed to carry out desegregation orders.

In addition, the bill would provide a broad program of technical assistance, financial grants and administrative procedures to help work out plans for integrating public schools.

Douglas told a news conference that the bill would spell out "preventive" powers of the attorney general in the civil rights area "in much clearer fashion" than under the 1957 law.

Under the proposal, the attorney general could intervene in school cases on the petition of an individual if he felt the individual was unable, for financial or other reasons, to bring a legal suit himself.

Sen. Jacob Javits (R) N. Y., joined Douglas in declaring that Congress should not let up in its efforts to push civil rights legislation this year.

He said the Civil Rights Commission set up under last year's bill "is doing a fine job, but I don't see that relieves us of the necessity for continuing to back up the law of the land."

The New York Republican said he understood that the administration which has stated that it will offer no new civil rights measures this year, will not oppose the legislation if enacted.

Douglas added that despite the fact that congressional leaders have indicated they will not press for major civil rights reforms this session, there is "a good chance" for the bill's passage.

Ellender Calls New Rights Proposal Federal Bribery

WASHINGTON, Feb. 15 (AP) — Sen. Ellender (D-La) said today sponsors of the latest civil rights bill are offering Southerners "a federal bribe" to agree to racial integration of their schools.

Referring to a bill introduced last Monday by 16 northern senators, Ellender said "the so-called liberals took the first step towards forcing the South to swallow another bitter civil rights pill.

"This time," he added, "they have attempted to cover the poison it contains under a heavy sugar coating."

The measure, sponsored by both Republicans and Democrats, would make federal funds available to states or local communities to help finance the cost of complying with the Supreme Court's school integration rulings.

But Ellender, in New Orleans, said "the core of this proposed legislation is the same that the Senate rejected last year when it stuck Part III" of the civil rights bill enacted then over Southern opposition.

Part III would have authorized the attorney general to seek federal court injunctions against violations of civil rights generally. The modified bill finally passed limited the use of injunctions to the protection of voting rights.

In the new civil rights bill, Ellender said that "the sugar coating held out by the so-called liberal bloc is nothing less than a federal bribe.

"They would make almost a quarter billion dollars available for school construction to states or their subdivisions which agree to integrate their schools," he said.

Ellender said that in his opinion, "No coating, sugar or otherwise, will ever make such a proposal acceptable to the people of the South."

Attorney General Rogers Stands Pat On Civil Rights

By LOUIS LAUTIER

WASHINGTON, D. C. —(NNPA) — Neither he nor the Eisenhower Administration has changed its position on civil rights, Attorney General William P. Rogers declared Sunday on a television program. "Let's Look at Congress."

Interviewed by Representative Kenneth B. Keating, Republican, of New York, Mr. Rogers denied that he had said there should be a "cooling-off period" on civil rights.

Clarifying his earlier statements, Mr. Rogers said he had stated that he would not make statements in press conferences about civil rights and that he would not recommend any civil rights legislation to the President to be submitted to the Congress.

If Congress should pass Part III of the civil rights bill, which was killed by the Senate last July, Mr. Rogers said he would recommend that the President sign it.

Part III of the civil rights bill would give the Attorney General authority to initiate civil suits to enjoin threatened violations of constitutional rights other than the right to vote. The right to vote is covered by the Civil Righs Act of 1957.

Asked by Mr. Keating what he meant by the statement attributed to him that there should be a "cooling-off" period on civil rights, Mr. Rogers replied:

"I said that I would not make statements in press conferences about civil rights — I was asked about matters like Little Rock, etc. — for this reason:

"I think when public officials do that they just aggravate the situation. One public official makes a statement and then somebody else answers it, and that just keeps the emotions aroused.

"So I think from a law enforcement standpoint, that's a disservice and I did not propose to make those statements.

"Two, I said that I would not recommend to the President additional legislation at this time because Congress passed the Civil Rights Act last session, which sets up a commission to study whether there is new legislation needed or not.

"And I think certainly for a while, while that commission is making that study, we should not recommend new legislation. We would stand by the legislative proposals that we submitted last time."

"In other words, if the Congress should pass what we called Part III of the old bill last year to protect rights other than voting rights, you still would favor the enactment of that legislation?" Mr. Keating asked.

"Yes, yes," replied Mr. Rogers. "And I would not, on the other hand, recommend that we resubmit it. If Congress does it, we have made our position perfectly clear. If Congress should pass that bill that the Prseident submitted last season, of course, I would recommend that he sign it."

"There has been no change in the position of you or the Administration about this question?" Mr. Keating asked.

"That's right," Mr. Rogers replied.

The Attorney General said the created Civil Rights Division is being organized in the Justice Department and has four matters under consideration.

"We probably won't have too many matters for consideration until we get closer to a primary election," he added, "because there aren't many occasions when people would complain about being denied their right to vote until we have a primary or an election."

"If there were other incidents— there was the other day down in Little Rock a case of some dynamite found in a school there — if there were other incidents of that kind, would you foresee possible action in Little Rock by the Federal Government." Mr. Keating asked.

"Well, I don't foresee any further action at the moment," Mr. Rogers replied. "Actually, with a thing of that kind if there is a violation of law, whether it's Little Rock or anywhere else, we would investigate and if we could find the guilty party, we naturally would prosecute."

Mr. Keating asked the Attorney General if he had any comment to make on the charge that the Administration is procrastinating on civil rights protection.

"Well, I don't think it's true," Mr. Rogers replied.

"I have stated, and it represents the position of the Administration, that we will enforce these civil rights statutes with the same vigor that we enforce other laws in this country.

"I think they are just as important, and we will enforce them with the same vigor.

"I hope to be able to do it without a lot of talk. I don't think that a lot of loose talk about the subject helps anything.

"When we have a case that we can present in court, we ought to present it. But outside of court, I think we ought to talk as little about it as we can."

Mr. Rogers said he saw no parallel between the situation in Brooklyn schools and the situation in Little Rock.

There has been an outbreak of serious crime in the Brooklyn schools.

10 1958

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Taber said the purpose of the motion was to give Dr. John Hannah, Civil Rights Commission chairman, an opportunity to appear before the appropriations committee to justify the administration's request for $750,000 for the agency.

The GOP move was supported by northern Democrats, but only after some of them sharply attacked the administration for "dragging its feet" in setting up the commission authorized by Congress last year.

Chairman Clarence Cannon (D) Mo., said hearings on the commission issue would begin soon after they are formally requested by the administration.

Rep. Sidney Yates (D) Ill., labeled the commission organization plans "a sorry mess." He asserted: "If the White House is to continue to pose as the great champion of Civil Rights, then it ought to take action to implement its program."

Rep. Adam Clayton Powell (D) N. Y., said it was a "deplorable situation" that the Civil Rights Commission has no funds and that none of its members has yet been confirmed by the Senate.

Senate hearings on the nominations of commission members are to begin Feb. 24.

On the school segregation issue, the 16-senator bipartisan bloc led by Sen. Paul H. Douglas (D) Ill., introduced legislation which they termed a "constructive approach" to the problem.

Central provision of the proposa would resurrect a provision knocked out of last year's Civil Rights law by the Senate. This would empower the attorney general to bring "preventive" action in cases where localities failed to carry out desegregation orders.

In addition, the bill would provide a broad program of technical assistance, financial grants and administrative procedures to help work out plans for integrating public schools.

Douglas told a news conference that the bill would spell out "preventive" powers of the attorney general in the civil rights area "in much clearer fashion" than under the 1957 law.

Under the proposal, the attorney general could intervene in school cases on the petition of an individual if he felt the individual was unable, for financial or other reasons, to bring a legal suit himself.

Sen. Jacob Javits (R) N. Y., joined Douglas in declaring that Congress should not let up in its efforts to push civil rights legislation this year.

He said the Civil Rights Commission set up under last year's bill "is doing a fine job, but I don't see that relieves us of the necessity for continuing to back up the law of the land."

The New York Republican said he understood that the administration which has stated that it will offer no new civil rights measures this year, will not oppose the legislation if enacted.

Douglas added that despite the fact that congressional leaders have indicated they will not press for major civil rights reforms this session, there is "a good chance" for the bill's passage.

Ellender Calls New Rights Proposal Federal Bribery

WASHINGTON, Feb. 15 (AP) — Sen. Ellender (D-La) said today sponsors of the latest civil rights bill are offering Southerners "a federal bribe" to agree to racial integration of their schools.

Referring to a bill introduced last Monday by 16 northern senators, Ellender said "the so-called liberals took the first step towards forcing the South to swallow another bitter civil rights pill.

"This time," he added, "they have attempted to cover the poison it contains under a heavy sugar coating."

The measure, sponsored by both Republicans and Democrats, would make federal funds available to states or local communities to help finance the cost of complying with the Supreme Court's school integration rulings.

But Ellender, in New Orleans, said "the core of this proposed legislation is the same that the Senate rejected last year when it stuck Part III" of the civil rights bill enacted then over Southern opposition.

Part III would have authorized the attorney general to seek federal court injunctions against violations of civil rights generally. The modified bill finally passed limited the use of injunctions to the protection of voting rights.

In the new civil rights bill, Ellender said that "the sugar coating held out by the so-called liberal bloc is nothing less than a federal bribe.

"They would make almost a quarter billion dollars available for school construction to states or their subdivisions which agree to integrate their schools," he said.

Ellender said that in his opinion, "No coating, sugar or otherwise, will ever make such a proposal acceptable to the people of the South."

Attorney General Rogers Stands Pat On Civil Rights

By LOUIS LAUTIER

WASHINGTON, D. C. —(NNPA) — Neither he nor the Eisenhower Administration has changed its position on civil rights, Attorney General William P. Rogers declared Sunday on a television program. "Let's Look at Congress."

Interviewed by Representative Kenneth B. Keating, Republican of New York, Mr. Rogers denied that he had said there should be a "cooling-off period" on civil rights.

Clarifying his earlier statements, Mr. Rogers said he had stated that he would not make statements in press conferences about civil rights and that he would not recommend any civil rights legislation to the President to be submitted to the Congress.

If Congress should pass Part III of the civil rights bill, which was killed by the Senate last July, Mr. Rogers said he would recommend that the President sign it.

Part III of the civil rights bill would give the Attorney General authority to initiate civil suits to enjoin threatened violations of constitutional rights other than the right to vote. The right to vote is covered by the Civil Righs Act of 1957.

Asked by Mr. Keating what he meant by the statement attributed to him that there should be a "cooling-off" period on civil rights, Mr. Rogers replied:

"I said that I would not make statements in press conferences about civil rights — I was asked about matters like Little Rock, etc. — for this reason:

"I think when public officials do that they just aggravate the situation. One public official makes a statement and then somebody else answers it, and that just keeps the emotions aroused.

"So I think from a law enforcement standpoint, that's a disservice and I did not propose to make those statements.

"Two, I said that I would not recommend to the President additional legislation at this time because Congress passed the Civil Rights Act last session, which sets up a commission to study whether there is new legislation needed or not.

"And I think certainly for a while, while that commission is making that study, we should not recommend new legislation. We would stand by the legislative proposals that we submitted last time."

"In other words, if the Congress should pass what we called Part III of the old bill last year to protect rights other than voting rights, you still would favor the enactment of that legislation?" Mr. Keating asked.

"Yes, yes," replied Mr. Rogers. "And I would not, on the other hand, recommend that we resubmit it. If Congress does it, we have made our position perfectly clear. If Congress should pass that bill that the Prseident submitted last season, of course, I would recommend that he sign it."

"There has been no change in the position of you or the Administration about this question?" Mr. Keating asked.

"That's right," Mr. Rogers replied.

The Attorney General said the created Civil Rights Division is being organized in the Justice Department and has four matters under consideration.

"We probably won't have too many matters for consideration until we get closer to a primary election," he added, "because there aren't many occasions when people would complain about being denied their right to vote until we have a primary or an election."

"If there were other incidents—there was the other day down in Little Rock a case of some dynamite found in a school there — if there were other incidents of that kind, would you foresee possible action in Little Rock by the Federal Government." Mr. Keating asked.

"Well, I don't foresee any further action at the moment," Mr. Rogers replied. "Actually, with a thing of that kind if there is a violation of law, whether it's Little Rock or anywhere else, we would investigate and if we could find the guilty party, we naturally would prosecute."

Mr. Keating asked the Attorney General if he had any comment to make on the charge that the Administration is procrastinating on civil rights protection.

"I think they are just as important, and we will enforce them as we can."

"Well, I don't think it's true," Mr. Rogers replied. "with the same vigor.

"I hope to be able to do it without allel between the Brooklyn schools and the situation in Little Rock.

"I have stated, and it represents out a lot of talk. I don't think that there has been an outbreak of the position of the Administration, a lot of loose talk about the sub- crime in the Brooklyn that we will enforce these civil ject helps anything.

rights statutes with the same vigor that we enforce other laws in this country.

"When we have a case that we can present in court, we ought to present it. But outside of court, I think we ought to talk as little about it as we can."

The New Civil Rights Bill

Ten Democrats and six Republicans Monday introduced a civil rights bill designed to give the attorney general power to institute suits when constitutional rights are being violated or when a citizen is too poor or too fearful to protect his rights.

One of these provisos was in Brownell's bill, but was deleted last year by an unholy alliance of Dixiecrats, conservative northerners, plus a handful of misguided western liberals.

The other point is new.

Under the new proposal, the government would provide funds to maintain public schools ordered closed by the states because of integration.

Secondly, the government would provide surveys, studies, literature and racial relations specialists to educate the public toward acceptance of equality.

* * *

THE SUM of fifty million dollars would be made available over a five-year period under the terms of the bill.

This is important to note in view of the fact that the House of Representatives has held up approval of a tiny $750,000 appropriation for the Civil Rights Commission, the President has dragged his feet on the appointment of a staff director and the Senate has not yet confirmed appointment of the commission's six members.

The second important thing worth noting is that this bill is sponsored by ten Democrats and six Republicans with the hope that it can be taken out of partisan politics and no one party could claim credit for its passage.

Democrat sponsors are Sen. Paul Douglas, Ill.; Thomas Hennings, Mo.; Pat McNamara, Mich.; Hubert Humphrey, Minn.; Wayne Morse and Richard Neuberger, Oregon; William Proxmire, Wisconsin; and Joseph Clark, Pa.

Republican sponsors are Jacob Javitts and Irving Ives of New York; Clifford Case, N.J.; Gordon Allott, Colo.; and Everett Dirksen, Ill.

* * *

SIXTEEN SENATORS is an impressive number and it would be still more impressive if 49 Senators had their names on the list.

So far the great liberal area of New England is not represented; and there are no signers from Ohio, Delaware, Indiana, Kansas, Iowa, New Mexico, Utah, Arizona, California, Nebraska, West Virginia and Maryland.

However, this is just the beginning.

All of us will watch with increasing interest to see to what extent this list of sponsors grows.

Douglas To Try Bypass Of Eastland In Rights Fight

By ETHEL PAYNE

WASHINGTON — Sen. Paul Douglas (D. Ill.) indicated yesterday that supporters of the new bi-partisan civil rights bill introduced by him were prepared to again by-pass the Senate Judiciary committee if necessary to get the measure onto the floor for action.

Douglas made the hint following a press conference in his office in which 16 Democratic and Republican Senators announced they were co-sponsoring new "preventive" relief for civil rights to restore Section III defeated in the last session of Congress.

Douglas told reporters that last year's parliamentary maneuver to upset the long blockade of civil rights by the Eastland committee had established a new precedent.

Sen. Jacob Javits (R. N.Y.) put himself on record as being against the administration policy of a "cooling off" period on new rights legislation.

Javits said, "I do not agree with ceasing efforts to get a civil rights bill through this year. This is necessary not only for the moral principle involved, but for international reasons."

The measure as outlined by Sen. Douglas fills in the void where the 14th Amendment to the Constitution had been omitted in writing last year's law.

Douglas said there was a danger in forgetting the provisions in the amendment guaranteeing equal protection of the laws to all citizens and the last sentence which reads "no state shall deny equal protection of the laws."

PROVISIONS OF BILL

The Illinois Senator said his new bill would cover both the 14th and the 15th Amendments, the latter which gives Negroes the right to vote

The most important provisions of the Douglas bill would provide for technical assistance, financial grants and administrative procedures for preparing desegregation plans.

When voluntary compliance is not forthcoming, new court preceedings and preventive relief are also provided for the attorney general to use.

Sen. Joseph Clark (D. Pa.) a co-signer of the bill told reporters that last year in the heat of the battle over civil rights, Southern opponents had successfully beclouded the real issue of the moral principle making a civil rights bill an absolute necessity and he said, the aim of the supporters of the bill this year is to prevent opposition from again using this tactic to cut out the heart of the bill.

Sen. Richard Neuberger (D. Ore.) also supporting the bill said that in his state Negroes comprise less than two percent of the population, yet civil rights was of paramount interest to the vast majority of citizens there.

In addition to Douglas and the other Senators named, the following joined in as co-sponsors: Sens. Hubert Humphrey (D. Minn.); Irving Ives (R. N.Y.); Thomas C. Hennings (D. Mo.); Gordon Allott (R. Colo); Pat McNamara (D. Mich.); Wayne Morse (D. Ore.); Everet Dirksen (R. Ill.); William Proximire (D. Wis.) and Clifford Case (R. N. J.) Also Glen Beall (R. Md.) John Carroll (D. R.I.)

Simultaneous introduction of the bill in the House was planned by a number of congressmen including Stewart Udall (D. Arizona) Barrett O'Hara (D. Ill.) James Roosevelt (D. Cal.) and John F. Shelley (D. Cal.)

10 1958

ROGERS FAVORS BILL ON RIGHTS

But Administration Will Not Recommend It

WASHINGTON, Feb. 9 (AP)—Atty. Gen. Rogers said today that if Congress passes a civil rights bill based on sections knocked out of last year's legislation, he will urge President Eisenhower to sign it.

On the other hand, Rogers said the administration won't request such action. He said Congress would have to start the ball rolling.

The 1957 civil rights law gives the attorney general authority to seek federal court injunctions against violations of voting rights.

The Senate eliminated a House-passed section that would have extended this authority to violations of all civil rights statutes.

Rogers said that inasmuch as the Eisenhower administration requested the broader authority last year, it would accept such a measure this year.

Views to Keating

He gave his views in an interview with Rep. Keating (R-NY), recorded for New York State television stations.

Rogers said some time ago the administration would not recommend new civil rights legislation this year. He said such recommendations should be withheld pending a study of civil rights matters by a special commission set up under the 1957 law.

Discussing the effects of last year's civil rights bill, Rogers said the Justice Department's new division to enforce voting rights has "about four matters under consideration." The division was established under the 1957 legislation.

Silent on Matters

Rogers would not specify what these matters are.

"When we have a case that we can present in court, we ought to present it," he said. "But outside of court, I think we ought to talk as little about it as we can."

Rogers said the administration position is that the civil rights law will be enforced "with the same vigor that we enforce other laws." He aid, however, that it is a "disservice" to law enforcement for public officials to make statements that lead to continued exchanges and "just keep the emotions aroused."

Asked whether he sees any parallel between disturbances in the Brooklyn public schools and disorders over school integration in Little Rock, Ark., Rogers replied, "No, I don't."

House Group Blocks Rights Fund Request

WASHINGTON, Feb. 7 (AP)—Civil rights popped up today as an unscheduled 1958 congressional issue when the House Appropriations Committee declined to finance the investigatory commission created by the 1957 civil rights law.

The committee deferred action on a White House request to include in the 1959 general government matters appropriation bill an allotment of $750,000 to finance the six-man Civil Rights Commission. It said the request for funds was prepared by persons not associated with the commission and pointed out that the commission has not yet employed a staff director.

The 1957 civil rights law provides that the staff director must be confirmed by the Senate before taking office. He has not yet been appointed.

In spurning the fund request, the committee indicated that it would look unfavorably on another presidential plea for a stopgap $200,000 allotment for the commission for the next four months unless the commission is more firmly organized.

ANDREWS GROUP

A subcommittee headed by Rep. Andrews (D-Ala), a foe of the 1957 civil rights law, made the recommendation to withhold the money. The entire Appropriations Committee upheld the recommendation over the objections of Rep. Boyle (D-Ill) and some other Northern members. Boyle's motion to include the $750,000 was beaten by voice vote.

Boyle said he would ask the House to restore the money when it considers the bill Monday. He added that he expected the backing of members who voted for the 1957 law.

The task assigned to the commission is to investigate sworn charges of denial of voting rights and to study federal law and practices relating to civil rights generally. It must submit its findings Sept. 9, 1959, when it is scheduled to go out of business.

Its members, headed by Dr. John A. Hannah, chairman, were appointed by President Eisenhower late last year. At present it is being financed from presidential emergency funds.

EXECUTIVE FUNDS

The $750,000 for the commission was deleted from a bill financing the executive office of the President and related agencies for the fiscal year starting July 1. As sent the House, the bill would appropriate $14,803,870 for these agencies, a reduction of $256,000 exclusive of the Civil Rights Commission fund.

In another bill, the committee approved without reduction the President's request for $43,400,000 to pay unemployment compensation to jobless veterans and ex-federal workers unable to get jobs. This is an emergency allotment intended to keep the two unemployment programs operating until Congress considers their over-all needs for the 1959 fiscal year.

Rogers Pledges Vigor On Civil Rights Cases

By Robert Barkdoll
United Press

Attorney General William P. Rogers said yesterday the Justice Department would enforce the new civil rights law with the same "vigor" it throws behind other laws but "without a lot of talk."

He said the Department's new Civil Rights Division already was looking into four voting-rights cases. The law passed by Congress last year authorized the Department to seek court injunctions to protect the voting rights of Negroes and others.

Against Too Much Talk

Rogers said he did not plan to submit new civil rights legislation to Congress this year, certainly not while the President's Civil Rights Commission is trying to determine whether any new laws are needed.

But he said that if Congress should approve on its own the so-called Part Three of the old bill he would recommend that President Eisenhower sign it. Section Three, which was knocked out of the bill by the Senate, would protect rights other than voting privileges.

Rogers was interviewed over New York television stations by Rep. Kenneth B. Keating (R-N.Y.), top Republican on the House Judiciary Committee and a leading civil rights advocate.

Rogers said he never actually proposed a "cooling-off period" in the civil rights problem, as reported in some quarters. He said he merely stated that he did not think this was the time for a lot of unbridled talk.

"One public official makes a statement and then somebody else answers it and that just keeps the emotions aroused," he said. "So I think from a law enforcement standpoint that's a disservice and I did not propose to make those statements."

No Little Rock Action

Keating asked Rogers whether he foresaw any further possible action in the Little Rock school integration controversy. Keating commented that "some dynamite" had been found in the school and wanted to know what would happen if there were "further incidents."

Rogers said he did not foresee "any further action at the moment." But he said the department "naturally would prosecute" if there was a violation of the law "whether it's Little Rock or anywhere else."

Rogers replied with a flat "no, I don't" when asked whether he saw any parallel between the Little Rock integration dispute and the violence of pupils in Brooklyn schools.

Some Southern Congressmen have called on the Government to intervene in the New York situation as it did in Little Rock. Rogers statement made it clear that the Administration viewed the cases as far different.

Denies Procrastinating

Asked about a "charge" that the Administration had been "procrastinating" on civil rights prosecution generally, Rogers said "I don't think it's true."

"We will enforce these civil rights statutes with the same vigor that we enforce other laws in this country," he said. "I think they are just as important, and we will enforce them with the same vigor."

Pointing to the four voting rights complaints under consideration by the Department, Rogers indicated he expected complaints to mount during the primary and general elections this year.

Rogers Asserts Civil Rights Action Now Up to Congress

Times-Union Jacksonville, Fla. P.10
Mon. 2-10-58

WASHINGTON, Feb. 9 (AP)—Atty. Gen. Rogers said today that if Congress passes a civil rights bill based on sections knocked out of last year's legislation, he will urge President Eisenhower to sign it.

On the other hand, Rogers said the administration won't request such action. He said Congress would have to start the ball rolling.

The 1957 civil rights law gives the attorney general authority to seek federal court injunctions against violations of voting rights. The Senate eliminated a House-passed section that would have extended this authority to violations of all civil rights statutes.

Rogers said that inasmuch as the Eisenhower administration requested the broader authority last year, it would accept such a measure this year.

He gave his views in an interview with Rep. Keating (R-NY), recorded for New York State television stations.

Rogers said some time ago the administration would not recommend new civil rights legislation this year. He said such recommendations should be withheld pending a study of civil rights matters by a special commission set up under the 1957 law.

Discussing the effects of last year's civil rights bill, Rogers said the Justice Department's new division to enforce voting rights has "about four matters under consideration." The division was established under the 1957 legislation.

Rogers would not specify what these matters are.

"When we have a case that we can present in court, we ought to present it," he said. "But outside of court, I think we ought to talk as little about it as we can."

Rogers said the administration position is that the civil rights law will be enforced "with the same vigor that we enforce other laws." He said, however, that it is a "disservice" to law enforcement for public officials to make statements that lead to continued exchanges and "just keep the emotions aroused."

Asked whether he sees any parallel between disturbances in the Brooklyn public schools and disorders over school integration in Little Rock, Ark., Rogers replied, "No, I don't."

White Says Civil Rights Department Watches State Acts

Daily World
Ellanta Ga.
Wed. 2-12-58

WASHINGTON — (INS) — W. Wilson White, civil rights division head for the Justice Department, said Monday his department is keep a close watch on civil rights legislation being introduced in state assemblies.

Daily World

White, whose final confirmation by the Senate Judiciary Committee is still pending, said in a statement his division is interested in any legislation which may hinder investigations. "In case we should be called upon to act."

He said one of the proposals under observation as a Virginia Act. now being considered that would allow state officials to refuse access of records to Federal authorities where there was a posibility of "harassment."

White said four complaints of abrogation of voting privileges are now being probed by FBI agents. He would not identify the areas from which complaints originated on the grounds these were "very delicate" investigations.

The division head said the complaints were from individuals and that they involved bars to voting registration.

White said his newly set up division was now at about 50 per cent strength in staffing. He said top flight researchers and attorneys are still being sought.

Position On Rights Not Changed-Rogers

Daily World Atlanta Ga. P.1
Wed 2-12-58

By LOUIS LAUTIER

WASHINGTON, D. C.—(NNPA)—Neither he nor the Eisenhower Administration has changed its position on civil rights, Attorney General William P. Rogers declared Sunday on a television program, "Let's Look at Congress."

Interviewed by Representative Kenneth B. Keating, Republican, of New York, Mr. Rogers denied that he had said there should be a "cooling-off period" on civil rights.

Clarifying his earlier statements, Mr. Rogers said he had stated that he would not make statements in press conferences about civil rights and that he would not recommend any civil rights legislation to the President to be submitted to the Congres.

If Congress should pass Part III of the civil rights bill, which was killed by the Senate last July, Mr. Rogers said he would recommend that the President sign it.

Part III of the civil rights bill would give the Attorney General authority to initiate civil suits to enjoin threatened violations of constitutional rights other than the right to vote. The right to vote is covered by the Civil Rights Act of 1957.

Asked by Mr. Keating what he meant by the statement attributed to him that there should be a "cooling-off period on civil rights, Mr. Rogers replied:

"I said that I would not make statements in press conferences about civil rights - - I was asked about matters like Little Rock, etc. - - - for this reason:

"I think when public officials do that they just aggravate the situation. One public official makes a statement and then somebody else answers it, and that just keeps the emotions aroused.

"So I think from a law enforcement standpoint, that's a disservice and I did not propose to make those statements.

"Too, I said that I would not recommend to the President additional legislation at this time because Congress passed the Civil Rights Act last session, which sets up a commission to study whether there is new legislation needed or not.

"And I think certainly for a while, while that commission is making that study, we shouldn't reccomend new legislation. We would stand by the legislative proposals that we submitted last time."

"In other words, if the Congress should pass what we called Part III of the old bill last year to protect rights other than voting rights, you still would favor the enactment of that legislation?" Mr. Keating asked

"Yes, yes," replied Mr. Rogers. "And I would not, on the other hand, recommend that we resubmit it. If Congress does it, we have made our position perfectly clear. If Congress should pass that bill that the President submitted last session, of course, I would recommend that he sign it."

"There has ben no change in the position of you or the Administration about this question?" Mr. Keating asked.

"That's right," Mr. Rogers replied.

Daily World P 3

The Attorney General said the newly created Civil Rights Division is being organized in the Justice Department and has four matters under consideration.

Atlanta Ga. 2-12-58

"We probably won't have too many matters for consideration until we get closer to a primary election," h added, "because there aren't many occasions when people would complain about being denied their right to vote until we have a primary or an election."

"If there were other incidents - - there was the other day down in Little Rock a case of some dynamite found in a school there - - if there were other incidents of that kind, would you foresee further possible action in Little Rock by the Federal Government?" Mr. Keating asked.

"Well, I don't foresee any further action at the moment," Mr. Rogers replied. "Actually, with a thing of that kind if there is a violation of law, whether it's Little Rock or anywhere else, we would investigate and if we could find the guilty party, we naturally would prosecute.."

Mr. Keating asked the Attorney General if he had any comment to make on the charge that the Administration is procrastinating on civil rights protection.

"Well, I don't think it's true," Mr. Rogers replied.

"I have stated, and it represent the position of the Administration, that we will enforce these civil rights statutes with the same vigor that we enforce other laws in the country.

"I think they are just as important, and we will enforce them with the same vigor.

"I hope to be able to do it without a lot of talk. I don't think that a lot of loose talk about the subject helps anything.

"When we have a case that we can present in court, we ought to present it. But outside of court, I think we ought to talk as little about it as we can."

Mr. Rogers said he saw no parellel between the situation in Brooklyn schools and the situation in Little Rock.

There has been an outbreak of serious crime in the Brooklyn schools.

10 1958

Civil Rights

Letter To Dr. Hannah Is Quoted

Jewish Congress Seeks Protection Of Voting Rights

NEW YORK — The American Jewish Congress last week urged the newly-created U. S. Commission on Civil Rights to launch a "massive attack upon the illegal movements of resistance to law and order."

It proposed that the Commission investigate curtailments of the right to vote and assaults upon the traditional American freedom of association.

* * *

THESE PROPOSALS were advanced in a letter to Dr. John A. Hannah, Commission chairman, which was made public at a meeting of AJ Congress' Administrative Committee, held at the Stephen Wise Congress House, 15 East 84 street, New York City.

Also made public was a report urging action by the U.S. Congress in five critical legislative areas: civil rights, federal aid to education, the federal internal security program, immigration, and international agreements on human rights.

A HIGHLIGHT of the meeting was the dedication of the Israel Goldstein Library at the Congress House, established in honor of AJCongress' president. Judge Justine Wise Polier presided at the ceremonies.

In its letter to Dr. Hannah, the AJCongress asserted, "We are convinced that only by a massive attack upon the illegal movements of resistance to law and order can we hope to redeem the pledges of freedom, equality and suffrage made in the Thirteenth, Fourteenth and Fifteenth Amendments."

AS PART OF this "massive attack," the AJCongress proposed the following activities to the Commission:

Hearings that will not only consider complaints by individuals deprived of their vote but will also "examine generally the problem of Negro disenfranchisement." Such hearings, the letter declared, "should concern themselves with the misuse of character and literacy requirements by voting registrars, the intimidation of would-be Negro registrants and voters, particularly common in non-urban areas, and other disenfranchising devices."

* * *

ALSO STUDIES, conducted in conjunction with the Department of Justice, of "the illegal movements designed to obstruct compliance with the Supreme Court decisions outlawing racial segregation." In this connection, the AJCongress asked specifically that the Commission give attention to "the systematic effort by most of the Southern states to bar the National Association of Advancement of Colored People from their territory, to punish its members and to hamstring its operations. These states seek to deny to the NAACP and its members their constitutional right of association, freedom of expression and access to the courts."

Studies of the activities of the White Citizens Councils "that have encouraged and organized economic and other reprisals against Southerns exercising constitutional rights. It is these Councils that have imported and are distributing vile anti-Semitic materials through the region."

An investigation of the Ku Klux Klan now active in several Southern states "to establish the responsibility, if any, of the KKK for the bomb-throwings and other acts of violence that have so shocked the nation."

Civil Rights Unit Gets Complaints Of Voting Curbs

The newly formed Civil Rights Commission has received more than a score of complaints, all from Southern States, alleging violation of voting rights, it was learned yesterday.

None of the complaints can be acted upon immediately, however, because they were not notarized as required by law. They will be sent back for resubmission under oath.

In addition, a number of complaints have been received charging racial discrimination, with emphasis on transportation seating and restaurant admission.

Other complaints have come from inmates of prisons and mental hospitals charging civil rights violations in their incarceration.

The six-member commission, which has held two meetings thus far, is scheduled to meet again Saturday at its headquarters, 726 Jackson place N.W.

It was formed by act of Congress to delve into charges of civil rights violation and to make recommendations as to policy and possible legislation to the Congress and the President.

Complaints Go to New Rights Body

By Maria Grebenc
International News Service

The new Federal Civil Rights Commission already has received more than a score of complaints alleging violation of voting rights and other acts of discrimination. Almost all of the complaints originated in the deep South.

Commission source said there was no indication at this time whether the complainants were primarily Negroes.

The Commission, which was sworn in Jan. 3, is meeting in Washington Saturday to try to decide on a staff director so it can dig into its appointed job of investigating civil-rights violations, with specific attention to abrogation of voting privileges.

The appointment must be made by President Eisenhower, but he is awaiting the recommendation of the Commission, which is headed by John A. Hannah, president of Michigan State University.

Even if a staff director were on the job, however, no action could be taken on any of the current complaints because the required legal procedure has not been followed by the complainants.

Under the Congressional act setting up the Commission, allegations must be properly notarized before they will be considered. Complainants are now being instructed on the legal necessities.

The source also said "there seems to be a pretty broad interpretation of just what civil rights questions are to be covered by the Commission."

In addition to the complaints mentioned, the source said, "we have another 30 or 40 letters from people in prison and state mental hospitals who feel they have suffered violations of their civil liberties."

The Commission was authorized by Congress last year in the civil rights bill that also made it a Federal crime to infringe on the voting rights of citizens.

Alabama politics—

Ex-Russell County sheriff fails to get civil rights back

BY HUGH W. SPARROW, News staff writer

MONTGOMERY, Ala., Feb. 1—Although nothing has been said about it until now, this column is in position to report a strong effort to regain former Russell County Sheriff Ralph Mathews' lost civil rights recently was rebuffed by the State Board of Pardons and Paroles.

The purpose behind this year's efforts to get Mathews back on the voting list reportedly was a well-laid plan on the part of the old regime at Phenix City to regain political power. If former Sheriff Mathews, who was a main cog in the old Phenix City machine, could be restored to voting status he would be eligible to run for sheriff in this year's primary. If his friends could restore Mathews to his former high office it would be an auspicious beginning of a return to power of those who ruled Phenix City and Russell County during the lengthy sensational era.

SPARROW

THE WHOLE PLAN depended entirely on Mathews being eligible to vote again. Under the law a person who has lost his civil rights is a non-voter and therefore ineligible as a candidate.

The State Board of Pardons and Paroles, the only agency that could restore Mathews' rights, thus was on the spot and thereby subject to heavy pressure.

Among those applying the heat was E. C. Boswell, Folsom's legal adviser. Boswell himself was given a restoration of civil rights by the present board about two years ago after it was disclosed he lost his rights as a result of a conviction in 1915.

The board, however, stood pat, just as it did two years ago when a similar effort was made to get Mathews off the hook. The decision against Mathews was unanimous.

MATHEWS was told bluntly the board was purposely refusing to reinstate him to voter status because it did not want to be a party to any move to return the old regime.

Atty. Gen. John Patterson whose father was assassinated at Phenix City, applied reverse pressure. Patterson, obviously enough, urged the board to reject the petition.

In addition to turning thumbs down on Mathews, the board also rejected an application by former Phenix City Police Chief Buddy Jowers for a restoration of his civil rights.

INCIDENTALLY, another big shot of the old days, Jimmy Putman, qualified recently to run for Seat No. 2 in the House. Rep. J. W. Brassell, who now occupies that seat, is running for circuit judge.

V. Cecil Curtis, nominated in the May, 1954 Democratic Primary for a seat in the House, largely by the old machine, and later disqualified by the State Democratic Executive Committee on grounds the election was a fraud, qualified to run for Seat No. 1.

He will oppose Rep. Homer W. Cornett.

STILL ANOTHER name associated with the old crowd, Homer D. Cobb Jr., is running for a seat on the State Democratic Executive Committee. Cobb is son of the late Mayor Cobb who ran Phenix City for many years when the old crowd was in its heyday.

INSIDE SOURCES report the U. S. Treasury Department's decision requiring all persons to account next year in their income tax return for 1958 for all money received for "expenses" has upset the governor considerably.

Heretofore, as has been pointed out in this column many times, the governor has depended heavily on his emergency and mansion funds for "expenses" both for himself and Mrs. Folsom.

The governor on many occasions has received considerable sums of money from the funds. He never attached an itemized expense account to any of the many vouchers he issued for "expenses."

In 1956-57, for instance. Gov. and Mrs. Folsom received more than $28,000 in socalled expenses. Thus far this year they have received about $10,000.

A YEAR AGO Chief Examiner Ralph Eagerton sought to have his examiners make a thorough audit of the mansion and emergency funds. In particular, the chief examiner wanted the report to show the exact purpose for each withdrawal, including detailed analysis of expense money.

Gov. Folsom at one time said if necessary he would call out the National Guard to resist Eagerton's efforts to get the records.

The vocal brawl simmered down. Gov. Folsom, however, won his point. He was not required to itemize the large sums he had siphoned from the funds on grounds that they were to cover his expenses.

Now, however, it appears that the mansion and emergency fund will get its first real auditing.

However, the public won't know what Folsom tells the collector about his expenses.

REPORTS last week concerning the meeting in Birmingham of the Advisory Board of the Department of Conservation apparently were super under-statements.

One brief statement was the board had heard protests from Mobilians against an attempt to lease public lands on the Mobile Bay Causeway.

Actually, what happened was the board put a fast and firm foot down squarely on a plan which contemplated virtual seizure of a vital 10-mile strip of land.

ON THE CAUSEWAY from the Spanish Fort, on the Baldwin County line, to the entrance of the Bankhead Tunnel into Mobile. There is a stretch 52,000 running feet.

A group of unidentified Mobilians, headed by Sen. Garet Van Antwerp, sought to get a long-time lease on the entire causeway. The petition was filed in the name of the Hudson Oil Company of Indiana.

The offer proposed that the petitioners be given a 50-year lease of the entire causeway with right of renewal for 40 more years.

During the first 50 years the state would receive $2 a foot from the lease of "undeveloped" frontage and from $3 to $4 a foot for frontage that had been developed.

Developed frontage was that on which buildings had been erected and occupied by persons now holding leases from the state. At the expiration of those leases, however, the property would revert to the new lessee.

Terms of the proposal were regarded by insiders here as a virtual giveaway with the proposed new lessees apparently out to make a rich haul.

The causeway is a choice spot for such things as bathing beaches, yacht docks, motels, hotels, restaurants, taverns, fishing spots, etc.

MEMBERS of the advisory board who apparently deserve an accolade for the decision are G. W. Ponder Jr., Cullman, chairman; Julian F. McGowin, Chapman; C. H. Jackson, Florence; Gus Woodward, Fayette; James H. Crow Jr., Decatur; Hurbert M. Norwood, Birmingham; Hubert A. Kimbrough, Mobile; Terrell W. Houser, Sheffield; P. O. Davis, Auburn, and A. W. Todd, Montgomery.

DURING the regular sessions of 1955 and 1957 and the special legislative sessions in between Walker County Rep. Alonzo Shumate was one of the governor's consistent supporters.

Reports have been heard that Rep. Shumate was given several choice bits of patronage such as the right to buy state used cars at attractive prices, to haul in wrecked cars, etc.

In recent days he was given a 10-year lease to operate the new state fishing lake in Walker County. The contract is even more favorable to Shumate than was the one granted in 1955 to Gov. Folsom's brother-in-law E. M. Moore, to manage the Tuscaloosa County Fishing Lake.

RIGHTS BOARD DUE TO START ITS WORK

Long Delay Stated to End With Selection This Week of a Staff Director

By [illegible] N. Y. Times.

WASHINGTON, Feb. 15—The long-dormant Commission on Civil Rights hopes to find a staff director next week and get to work.

It has been five months since President Eisenhower signed the Civil Rights Bill authorizing the six-member commission and three months since he appointed the first member. The commission, however, has not yet started its job of investigating racial and other discriminations.

A major factor in the delay has been the problem of finding someone for the job as staff director. The commission has deliberately held off the hiring of any employes on the theory that the top staff man should choose his own assistants.

In the House this week some Northern Democrats were critical of the delay. They seemed to suggest that there had been lassitude or incompetence in the search for a staff director.

A Difficult Search

Those at the White House and the commission who have been involved in the search deny the charge. They say that they have been looking hard, but that the right man has been extraordinarily difficult to find.

"This job has been as tough to fill as any I've seen in the three years I've been here," one member of the White House staff said.

The Civil Rights Act provides that the President choose the director on the advice of the commission. The selection must then be confirmed by the Senate. The pay is to be $22,500 a year, a high figure that indicates the responsibility Congress foresaw fo rthe post.

The commission members serve only part time. The staff director, on full time, will have great influence o nthe course of the commission's activities.

One troube in the selection is that any possibility must get by what one official called "three hurdles." Me must be acceptable to the White House and to the commission and must seem potentially acceptable to the Senate.

The candidate must be sufficiently "moderate" to get at least the grudging approval of southern Senators and not so "moderate" as to have the hostility of northern Senators.

Then, too, the person chosen has to be persuaded to take the job. There are rumors that more than one choice has been made, only to have the offer of the post turned down.

Key Considerations

Some of the considerations involved are conspicuous. The term of office is short, less than two years, and the post is hardly likely to lead to any bright political future. The holder of the post may well end up making enemies on both sides of the civil rights battle.

In sum, there is a need to be willing to try to please many interests. As one comment puts it, the staff director must be "broad enough intellectually to encompass both sides of what is obviously a two - sided matter."

The commission has sent over to the White House the names of many prospects for the post and other names have come from the Capitol and from private organizations. There have been some volunteers, men who whote in suggesting themselves, and wives who have recommended their husbands for the post.

Among White House officials involved in the search are the President's acting appointments secretary, Robert K. Gray, and the President's Special Counsel, Gerald D. Morgan. They have interviewed many possibilities.

With the search reported to be near its end, the commission hopes to have its staff director on hand for its next meeting, a week from Monday.

Even with fast action from then on, however, the commission will have difficulty in finishing its work before it is scheduled to go out of existence, Sept. 9, 1959.

The chances are that moves will be made in Congress to extend that deadline, but Southern obstructions may prevent it.

10 1958

Morse Plans Rights Bill

WASHINTON, Jan. 5 (AP)—Sen. Morse (D-Ore) said today he will introduce new civil rights legislation shortly after Congree convenes Tuesday and "gve the boys a chance to stand up and b counted."

Morse recalled in an NBC-TV interview, "Youth Wants to Know," that he voted against the civil rights bill which Congress passed last year.

He sid he did so because the measure was reduced on the Senate floo "to an empoty shell."

"I'm going to introduce a true civil rights bill," he said, declaring that he could not accept the suggestion of Atty. Gen. Rogers that there be a cooling off period before Congress again tackles such legislation.

First Civil Rights Test In Alabama

The first attack on the civil rights law in Alabama was made, ironically, in behalf of Negro defendants.

When the law was passed last summer, one of the "compromises" was a change in the procedure for selecting federal court jurors. This provided that persons meeting certain federal requirements could serve as federal jurors without regard to state qualifications.

The first effect of this in Alabama was to qualify women, theretofore ineligible because of federal courts' traditional deference to state laws.

Two women were selected in November to serve on a jury hearing the case of two Negroes charged with bootlegging whisky. The Negroes were convicted, and their attorneys immediately petitioned for a new trial on grounds that the 6th Amendment, as they saw it, required that jurors be qualified both for federal and state courts.

Judge Johnson has now ruled that the new juror requirements are not inconsistent with the 6th Amendment and that the Negroes are not entitled to a new trial.

Thus the civil rights law withstands its first test in Alabama—withstands it even when challenged by Negroes, who possess a magic that seldom fails them these days in court tests.

We're Looking Ahead

In order to tell where we are going, it often is necessary to determine where we came from, according to no less a statesman than Abraham Lincoln.

The advice is as valid today as when Lincoln lived. It is particularly appropriate at this season, when time and progress are suspended between the old and the New Year.

Applying Lincoln's yardstick, it appears that 1958 and the years beyond hold great promise for progress in human rights.

This outlook is based on the progress made in civil rights during the past 10 years, which some fondly call the Golden Decade.

* * *

GOLDEN OR not, we have traveled far since 1947 when the President's Committee on Civil Rights made its report, in accordance with an Executive Order issued on Dec. 5, 1956, by President Harry S. Truman.

The Committee outlined four basic rights as essential to the well being of the individual and to the progress of society. These were—

Right to safety and security of a person.

Right to citizenship and its privileges.

Right to freedom of conscience and expression.

Right to equality of opportunity.

The most noteworthy achievement of the past decade was the series of desegregation decisions by the U.S. Supreme Court.

While the desegregation process has met wtih sharp resistance in many quarters, a recent survey by the American Jewish Congress shows that almost 1,000 school districts and units have varying degrees of desegregation.*

About 350,000 colored and two million white children are currently in "integrated situations," according to the survey.

Other observations are as follows:

The new Federal civil rights law, which broke an 82-year deadlock on civil rights legislation, was pointed to as "graphic evidence of the changing civil rights climate in our country over the past decade."

* * *

THE FEDERAL GOVERNMENT is credited with performing an impressive job in protecting and expanding civil rights.

With regard to employment, one-third of the U.S. population is covered by state or local fair employment measures. There are enforceable FEP statutes in 13 states and 40 cities.

Nine states and many cities have outlawed segregation and discrimination in public and publicly assisted housing.

Northern states have taken important steps in ridding schools of bias.

Covert admission quotas, which 10 years ago limited the opportunities for higher educations for thousands of Americans, have largely disappeared.

Great advances were registered in public accommodations, particularly in transportation.

During the same period integration of the armed forces was accomplished, and segregation banished from all Veterans Administration hospitals and military post schools.

* * *

BOTH THE FEDERAL Housing Administration and Veterans Administration took firm stands against the use of Federal loans for new housing covered by racial or religious restrictive covenants.

In Washington, the nation's capital, complete desegregation is practically an accomplished fact.

There is a growing recognition of fundamental human rights in religious, professional, fraternal and civic societies.

Looking back on the progress of the past decade, former President Truman emphasized that, "We still are far from perfect."

He added, however, that the progress made "stands as proof that we will see the day when every American child regardless of his ancestry, the color of his skin, or his manner of worship, will enjoy the full dignity and equal opportunity that constitute his birthright."

The keynote statement of the AJC report was by President Eisenhower.

* * *

HE SAID: "Although freedom is the foundation of our national community, we cannot rest upon it nor cease to build upon it.

"Freedom is a basic American privilege and a responsibility which demands the continual effort of each citizen."

This review of the human rights accomplishments of the past decade, we think, shows the direction we are traveling.

Also it is proof of what must be done in 1958, '59 and '60, if progress in this area is to continue.

Most important, we think, it shows that progress must be continued.

For as President's Truman's Executive Order (9808) observed 11 years ago, the preservation of civil rights guaranteed by the Constitution is essential to the continued well being of our country, both at home and abroad.

In short, there can be no turning back the clock now.

CIVIL RIGHTS STAND IS SEEN BY ROGERS AS ONE OF CAUTION

Attorney General Hopes To Act So 'Motives Won't Be Challenged'

WARY OF STATEMENTS

Justice Departments' New Chief Cites His Duty To Enforce Current Laws Within Jurisdiction

By MORRIS CUNNINGHAM

From The Commercial Appeal Washington Bureau

WASHINGTON, Jan. 3.—Newly-appointed Atty. Gen. William P. Rogers promised Friday the Justice Department under his leadership will try to conduct itself "so our motives won't be challenged."

He offered the statement during a brief discussion of civil rights in an addres to a luncheon meeting of the National Press Club.

The new attorney general, who recently called for a national "cooling off period" in racial disputes, reiterated that the Justice Department plans to make no recommendations for new civil rights legislation this year.

Duty To Enforce Laws

He said the Justice Department has a "duty" to enforce existing civil rights laws with the same vigor as all other Federal laws, but he added that "we also have a duty to exercise caution in what we say and not to aggravate the situation."

He said Justice Department officials plan to be "cautious and deliberate" and will try not to make any comments which will make the civil rights problem "more difficult."

Asked if he would recommend calling out Federal troops if "another Little Rock" occurred, he hesitate, then said that "situations differ."

Brushing off the question, he said, "I don't think that answering questions of that kind would be a good thing for the country."

Jurisdiction Limited

He reminded his listeners that the Justice Department's jurisdiction is limited and it cannot be held responsible for enforcing all laws.

He said, for instance, that the Justice Department received "thousands of letters during the Till case in Mississippi asking us to do something about it."

"The plain fact was," he added, "that we had no jurisdiction."

Meanwhile, W. Wilson White, newly appointed director of the Justice Department's Civil Rights Division, said the Government "at present has no intention of prosecuting" anyone in connection with the recent disturbances in Little Rock.

Witnesses Reluctant

He added that investigations into the affair have ben completed.

It was learned that one big difficulty encountered by Federal attorneys and agents in Little Rock was persuading witnesses to talk.

It boiled down, it was learned, to the disinclination of those with information to implicate neighbors.

A number of persons were arrested during the strife. Some were taken into custody by paratroopers flown in on President Eisenhower's orders.

All of these were turned over to local authorities and all of their cases since have been settled. Virtualy all were acquitted.

White Civil Rights Problem

The Florence Times

SEVERAL prospective candidates for governor of Alabama have visited our office in recent weeks. We were glad to see them and to discuss with them some of the problems facing Alabama that will be up for solution during the next few years.

In almost every instance, however, we noted on the Associated Press wire that these prospective candidates spent a good portion of their speech-making elsewhere in the state in opposition to the civil rights measure passed by Congress at its last sitting and in denouncing the Supreme Court of the United States.

If these gentlemen are so worried about the Negro problem, the actions of Congress, and the decrees of the Supreme Court it would be well for them to begin setting the house in order here at home, thereby making federal intervention unnecessary.

For example, they might reapportion legislative representation in the Alabama legislature. Under the present setup not only Negroes, but white residents of North Alabama as well, are denied proportional representation in the legislature.

We are second class citizens because of the legislature's refusal to reapportion on a constitutional basis.

Instead of being so concerned as to whether North Alabamians are going to help them "save" themselves from the Negroes in the Black Belt and some other sections with a heavy percentage of Negro population we would appreciate it if they would be a little more concerned with the grave injustices they have inflicted on North Alabama and its people for many long years—both whites and Negroes.

It has always seemed strange to us that our representatives and senators from North Alabama have jumped whenever the Black Belt cracked its whip.

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STATE BAR URGES CIVIL RIGHTS LAWS

Resolutions Asking Albany to Limit Wiretapping and Bugging Adopted Here

BOOK BANS ALSO SCORED

Proposal Would Safeguard Communications Between Lawyers and Clients

By RUSSELL PORTER

The State Bar Association adopted resolutions yesterday urging new state legislation to protect civil rights.

The proposed legislation would:

¶Bar the use of evidence obtained by unauthorized wiretapping in any criminal trial or legislative or administrative inquiry.

¶Require the police to get court orders to use electronic eavesdropping (bugging) equipment except in "hot pursuit" and bar such evidence obtained without a court order. (In "hot pursuit" there is no time to get an order.)

¶Prohibit the use of evidence about privileged communications between lawyers and clients obtained by bugging without the consent of the clients.

¶Compel public school and library authorities to hold public hearings before removing recognized classics or reference books from general access to readers.

The resolutions were adopted at the general meeting of the association, whose eighty-first annual meeting will end tonight. Sessions have been held at the Association of the Bar of the City of New York and midtown hotels.

Hogan Letter Backed

The State District Attorneys Association, also meeting at the city bar association, adopted a resolution urging the Legislature to preserve "hot pursuit" in any new anti-bugging legislation. It approved a letter sent by District Attorney Frank S. Hogan of New York County to all State Senators, asking that the police be allowed to use bugging equipment for forty-hours before getting a court order.

The district attorneys also backed a bill pending in Congress to exempt district attorneys from the affects of the recent Benanti decision by the United States Supreme Court. According to the district attorneys, this decision would make any wiretapping by Federal or state police illegal.

They also called for Federal, state and city cooperation to use Ellis Island as a narcotics hospital and rehabilitation center.

The civil rights resolution adopted by the state bar association were submitted by a committee headed by Whitney North Seymour of New York.

Under present laws, unauthorized wiretapping and bugging by private persons are barred. In civil cases the police aree barred from using evidence obtained by unauthorized wiretapping except on court orders. They do not need to get court orders for wiretaps in criminal cases.

Transit Bugging Cited

In bugging, the police are not required to get court orders. The committee agreed that it would handicap the police to have to do so in hot pursuit cases, but added that it had recently been shown that bugging had been used when there had been ample time to get court orders.

The committee cited the disclosure that the city's Transit Authority police had bugged the offices of the Motormen's Benevolent Association over a long period of time.

The committee said its resolution to protect attorney-client conferences grew out of last year's Joseph (Socks) Lanza case. It was revealed then that the racketeer's conferences with his lawyer in the Westchester County jail had been bugged.

The removal of books by public schools and libraries is usually done quietly, "almost secretly," the committee explained, and could be prevented by a requirement for prior public hearings.

The executive committee of the bar association approved proposed legislation to strengthen state laws against the unlawful practice of law. This action had been urged by State Attorney General Louis J. Lefkowitz.

Professor Gets State Post

Governor Harriman, in a message to the association, announced the retirement of Young B. Smith, former Dean of Columbia Law School, as chairman of the state's Law Revision Commission. The Governor named Prof. John W. MacDonald of Cornell Law School as the new chairman.

Mr. Harriman also named two new members of the commission, which recommends changes in state law. They are Dean William F. Mulligan of Fordham Law School and Eugene H. Nickerson of New York.

In a speech to the association Mayor Wagner urged it to support his request for legislation to set up a New York City charter revision commission "to meet current municipal needs more adequately."

Louis M. Loeb, president of the city bar association, asked the state association to back the new Tweed plan to reorganize the state court system. The plan will be submitted to the Legislature soon.

AMERICAN CIVIL LIBERTIES UNION

10 1958

CIVIL RIGHTS CODE IS SENT TO LABOR

Times p. 25 2

Liberties Unit Asks Unions to Adopt Guarantees of Internal Democracy

By A. H. RASKIN

A "bill of rights" to protect the civil liberties of union members was proposed yesterday by the American Civil Liberties

New York N.Y.

The group urged all labor organizations to write into their constitutions—and observe in their day-to-day operations—guarantees of internal democracy that went beyond those contemplated in any anto-racket bills in Congress or the State Legislature.

The introduction to the proposed code declared that unions with far-reaching control over their members' power to earn a living had to provide rights of free speech, fair procedure and non-discrimination equal to those assured to all citizens by the Federal Constitution.

Advance copies of the code were sent to George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, and to all its constituent unions.

A covering letter said the civil liberties group was motivated by a desire to help unions "eliminate abuses which not only deny individual workers their rights but weaken labor's own position in and contribution to American life."

The letter was signed by Patrick Murphy Malin, executive director, and Daniel Bell, chairman of the group's labor committee. It praised the federation for its own efforts to promote internal union democracy and stamp out unethical practices.

The code recommended that all union members be granted full right to circulate petitions, publish leaflets, attend meetings and present views through the official union newspaper.

The code also called for universal voting rights under a secret ballot, with outside supervision mandatory whenever 10 per cent of the members signified a desire to monitor the ballot.

Election Rights Covered

Another provision would safeguard the right of every member to seek and hold office, subject to "fair qualifications uniformly imposed." It says national conventions should be held at least once every four years, with delegates elected by the membership under procedures specified in the constitution.

Other provisions would put curbs on trusteeships, require comprehensive financial reports to the members and prohibit discrimination on the basis of race, religion, sex, opinion, national origin or lack of United States citizenship.

Detailed measures to guarantee unionists due process in disciplinary proceedings were included in the code. Final review would be by an outside board. This would conform with a plan originally advocated by the civil liberties group six years ago and now utilized by the United Automobile Workers and the Upholsterers International Union.

Initial responses from union leaders ranged from expressions of polite appreciation for the group's interest to endorsement of the code's major proposals. Among those voicing agreement with most of the basic principles were L. S. Buckmaster, president of the United Rubber Workers, and James A. Campbell, president of the American Federation of Government Employes.

New ACLU Worthy passport case brief raps State Dept.

Afro-American Baltimore, Md. Sat. 1-18-58

WASHINGTON — The State Department's assumption of authority to restrict the travel of Americans to certain areas abroad again has been labeled unconstitutional.

In a test case of major importance, the American Civil Liberties Union asserted that passports could properly be withheld only if the United States were at war with a nation, on ample evidence of a "clear and present danger to democratic survival," or the person was a fugitive from justice.

The Union's views were set forth in a brief submitted to the State Department's Board of Passport Appeals in behalf of William Worthy Jr., a staff member of the Baltimore AFRO-AMERICAN.

* * *

MR. WORTHY'S application for renewal of his passport was denied after he returned from a trip overseas, during which he visited Hungary and Communist China. The Department stamps passports "not valid" for travel to those areas.

Even before William M. Kuntzler, ACLU cooperating attorney, filed the brief, the union warned that it would carry Mr. Worthy's case to Federal courts in event of an adverse judgment.

The State Department's passport appeals board is the last administrative agency available to applicants who fight denial of passports.

"THERE CAN be no doubt that the State Department could not limit freedom of speech on the ground that it might be detrimental to some aspect of our foreign policy," Mr. Kuntzler's brief commented in discussing existing regulations under which travel to certain Communist bloc nations is prohibited.

The brief was:

"With due regard to the weightiness of the right of travel and its involvement with First Amendment freedoms, such a restriction on travel ought likewise to fall.

"The fact that travel abroad might inconvenience our organs of government in the discharge of their responsibility is one part of the price we pay for democratic freedoms.

* * *

"IT IS difficult to believe that denials of passports to individuals not accused of subversion can constitute a proper instrument of foreign policy."

Mr. Worthy visited Hungary and China as part of an assignment for the newspaper he represented. He did not use his passport to enter the two blacklisted countries.

But in a broad challenge to the State Department's action in forbidding travel to certain areas, the ACLU brief declared that the department has no right to take such action even if it were authorized by law.

THE DEPARTMENT of State's policy decision that travel within certain Communist bloc countries is inimical to our best interest, the ACLU said, "is put in balance with the right of American citizens to travel and to report the news.

"We submt that no danger which might follow from such travel has been established or even proffered in justification of the limitation."

ACLU reviews civil rights gains

Afro-American Baltimore, Md. Sat. 1-18-58

NEW YORK — The United States urgently needs a security system that will not hamper technological progress in this age of guided missiles and earth satellites, the American Civil Liberties Union declared Monday.

The government can retain the full services of scientists, technicians, engineers and administrative executives for more rapid invention and development work only if it permits them to operate in a climate of freedom, it warned.

In its 1957 annual report reviewing civil liberties gains and losses in the areas of free expression and association, equality before the law and due process, the ACLU linked maintenance of civil liberties to ways of insuring that America will remain dominant in scientific fields.

* * *

"OUR NATIONAL defense," asserted executive director Patrick M. Malin in an introduction to the report, "demands that a host of the most competent citizens the country possesses should be enlisted for the duration, in all parts and at all levels of our government.

"And they can't be got and kept if they feel they are being scrutinized as potential traitors."

Commenting on the first civil rights legislation passed by Congress in 80 years, the report noted that "for the first time in recent decades the Senate faced the moral and political reality of the filibuster" and rejected it.

The report reminded that on civil rights matters the Democrats usually are split and even when in accord, as last summer, are "united on a low level."

In theory, it added, Republicans are more nearly united on civil rights but will do little about them, partly because the Democrats are split and because the GOP cannot secure enough additional colored votes in northern urban areas to compensate for the loss of white votes in the South.

* * *

SO, THE union report said, while the 1957 Civil Rights Act is "a considerable step forward . . . in actual realization of the 15th Amendment," most progress in this field will continue to come through channels other than Federal legislation.

The use of Federal troops in the Little Rock school integration conflict, the union said, was necessary "to prevent mob action — uncontrollable, uncontrolled, or even stimulated by (state and local officials) from interfering with the long planned observance by school authorities of a court order."

But it says that the show of Federal force "will for years to come work terrible harm in the South, chiefly by hardening lines against the 'moderates,' those who are opposed to integration but acknowledge its inevitability and want it to come by law and order."

* * *

INTEGRATION problems are not peculiar to the South, the report asserted, for "there are many metropolitan areas of the North where anti-colored discrimination and interracial tension are increasing.

"Accelerated mirgration to such areas, of both colored and whites, from a number of southern areas is complicating — and complicated by — the already growing trouble between the suburbs and the central cities."

Miami ACLU denounces investigation of NAACP

NEW YORK—A strong stand by the American Civil Liberties Union (ACLU) of Greater Miami has helped to stymie a state legislative investigation aimed at the NAACP which was labeled a potential "witch hunt."

The Miami ACLU issued a statement calling the inquiry into Communism and the NAACP "cynical political opportunism." It asserted further that the purpose of the investigation really was "to subvert the Supreme Court decision (on segregation) by destroying individuals and organizations who are peacefully and legally seeking its enforcement."

After the statement was issued, just prior to the opening of hearings, the State Legislative Investigating Committee held abortive sessions for three days and then ended its meetings.

SENATOR CHARLEY JOHNS, committee chairman, however, said 14 witnesses who either refused to answer questions or failed to appear before the committee would be charged with contempt. He said legal preparations for contempt citations were underway.

Sen. Johns said also that the hearings definitely showed a link between the Communist Party and the NAACP. "We couldn't bring too much of it out because of the refusal of the witnesses to answer the questions we asked them," Johns said, "but we had the evidence and in our minds we know there is a link." NAACP officials who appeared before the committee denied the organization was linked to the Communist Party.

The Miami ACLU's legal panel, working on the case, called the hearings "unconstitutional." The hearing was appointed, the panel said, by powers "granted in language so broad and so loosely worded as to almost completely defy comprehension, much less definition."

In addition, the panel said, such an investigation on a state level was void by virtue of a Supreme Court ruling which said that the Federal Government has preempted the field of sedition legislation.

U.S. Passport Policy Faces New Assault In Worthy Case

WASHINGTON — (INS) — The American Civil Liberties Union yesterday announced court action to challenge Secretary of State John Foster Dulles' right to revoke the passport of an American newsman who went to Red China.

The civil liberties group said the suit will be brought Tuesday in federal court in Washington on behalf of William Worthy, Baltimore Afro - American reporter who defied a U. S. ban on travel to China.

Meanwhile, the Supreme Court scheduled arguments this week — probably Wednesday — on other cases involving the State Department's right to ban passports for persons who refuse to answer questions about alleged Communist-front connection.

DEAL WITH ARTIST

The high court hearings will deal with the cases of artist Rockwell Kent and psychiatrist Dr. Walter Briehl who brought suit against Dulles after they were refused passports.

Kent and Briehl contend that an American citizens has "a constitutional right to a passport" and that there is no legal or constitutional basis for restrictions because of possible Red or Communist-front connections.

In still another case, the Supreme Court will hear arguments over whether information from undisclosed sources can be used to deny a passport to a person who answered some questions regarding alleged past Communist activity.

In briefs already filed, the government admitted there is a "constitutional right" to a passport, but argued that regulations designed to avoid embarrassment ment by allowing Americans to possibly serve Communist ends are legal and constitutional.

DIFFERENT ANGLE

The Worthy case involves a different issue — whether a newsman has the right to visit a nation in search of stories — even though travel to the nation is banned.

Worthy visited China and Hungary in 1956 and 1957. On his return, the State Department refused to renew his passport — an action upheld by the Board of Passport Appeals and by Dulles.

The civil liberties union said it would contend that the state department action was "arbitrary, capricious" and unauthorized by law or constitution.

It said that the passport denial has interfered with Worthy's professional work and caused him financial injury.

The complaint adds: "So long as he is prevented from traveling outside of the United States, he is in effect . . . a prisoner in his own country."

The complaint will deny the State Department's charge that Worthy missused his passport to enter Communist China and Hungary, declaring that it was not required by either country "as a condition of entry, stay, travel in or departure."

The denial of due process in the procedures of the Board of Passport Appeals are also scored in the complaint.

10 1958

AJC Offers Program For Quick Civil Rights Action

Sat 1-4-58

The American Jewish Congress (Tuesday, Dec. 17) proposed an eight-point program of action on federal, state and local levels calling for an acceleration of the fight for full equality. In urging an immediate "comprehensive and unified attack against discrimination and social injustice," the AJCongress challenged the view of Attorney General William P. Rogers that civil rights legislation should not be pushed in the 1958 session of the U. S. Congress. "We do not need a 'breather' in the struggle for civil rights," the AJCongress contended. "We need rather to increase our pace."

AJCongress' action program for 1958 was offered by its president, Dr. Israel Goldstein, at a dinner held at the Stephen Wise Congress House, 15 East 84th Street, to honor former Federal Judge J. Waties Waring. Judge Waring, native of Charleston, S. C., who served from 1942-52 as U. S. District Judge in the Eastern District of South Carolina, received AJCongress' Stephen Wise for his "outstanding contributions to the advancement of civil rights." The Award -- a bronze plaque and check for $1,000 -- was presented by Dr. Goldstein.

In accepting the Award, Judge Waring emphasized the need for preventing legislation "which forces immorality. That is the issue in the states of the deep South, where codes of law have been enacted which force immorality. There is no freedom of choice," he said. "I do not ask for a law which forces me to like or associate with any other person. But I do not want a law which forbids me, makes a criminal of me, if I do wish to associate with a person of another race in such public places as parks, playgrounds, swimming pools, theaters, buses, railroad trains, waiting rooms, and even in many types of employment." The retired jurist who gained national fame for his decisions in white primary and school segregation cases, added, "I hear talk of moderation and gradualism. You cannot moderate between good and evil, between law and riot. You could not moderate between the Jewish people and Hitler. You cannot moderate between the Southern governors and the Negro citizens."

8-Point Program

In presenting AJCongress' action program, Dr. Goldstein said that the Federal Civil Rights Bill of 1957, "despite its many defects can accomplish a great deal if properly enforced. The major responsibility lies with the President and the Attorney General. If they dally, hesitate or play politics, the Civil Rights Bill can become a sham and a cipher."

Two problems require urgent attention, the AJCongress leader noted: the restriction of Negro voting rights in the South; and "the ferocious assault" that Southern states have launched against the National Association for the Advancement of Colored People (NAACP) and against the freedom of association of all voluntary organizations. Other areas which demand action include public school integration, in both the North and the South; discrimination in employment; and the abolition of racial and religious ghettos.

The AJCongress civil rights program for 1958 proposes:

1. Attorney General Rogers, using his new powers under the 1957 Civil Rights Act, "must leave nothing undone to protect the Negroes' right of suffrage."

2. The Executive Branch "must at long last assume its responsibilities for achieving compliance with the Supreme Court decisions on desegregation. As a first step in that process, the Congress should enact a statute authorizing the Attorney General to bring civil suits against recalcitrant school boards or other state authorities defying Constitutional guarantees."

3. President Eisenhower should "publicly condemn" the assault by Southern states on the freedom of association. Further, he should direct the Attorney General to intervene on behalf of the NAACP in various legal proceedings now before the courts.

4. President Eisenhower should convene a conference of Southern school administrators, Justice Department officials and representatives of the U. S. Office of Education to discuss ways of ending segregation in public schools.

5. The U. S. Congress should provide special financial help to public school systems "undertaking construction designed to hasten the end of segregation."

The remaining three points call for action on the state and local level, in the North as well as the South, in ending discrimination in employment, education and housing.

AMERICAN JEWISH CONGRESS

AJC urge 'war' on Supremacists

Baltimore Md.,
Sat 2-1-58

NEW YORK — The American Jewish Congress has urged the newly created U.S. Commission on Civil Rights to launch a "massive attack upon the illegal movements of resistance to law and order."

It proposed that the commission investigate curtailments of the right to vote and assaults upon the traditional American freedom of association.

* *

IN ITS four-point proposal to the civil rights body the commission urged an investigation of the Ku Klux Klan, now active in several states, "to establish the responsibility, if any, of the KKK for the bomb throwings and other acts of violence that have shocked the nation."

It asked specifically that the commission give attention to "the systematic effort by most of the southern states to bar the NAACP from their territory, to punish its members and to hamstring its operations."

These proposals were advanced in a letter to Dr. John A. Hannah, commission chairman, which was made public last week (Jan. 19) at a meeting of AJC's administrative committee held at Stephen Wise Congress House here.

Also made public was a report urging action by the U.S. Congress in five critical legislative areas: Civil rights, Federal aid to education, the Federal internal security program, immigration and international agreements on human rights.

* * *

A HIGHLIGHT of the meeting was the dedication of the Israel Goldstein Library at the Congress House, established in honor of AJC president. (Judge) Justice W. Polier presided at the ceremonies.

In its letter to Dr. Hannah, the congress asserted:

"We are convinced that only by a massive attack upon the illegal movements of resistance to law and order can we hope to redeem the pledges of freedom, equality and suffrage made in the 13th, 14th and 15th Amendments."

Study Attacks Upon NAACP, Jewish Congress Urges U. S. Rights Unit

New York, Jan. 23 — The American Jewish Congress has urged the newly-created U. S. Commission on Civil Rights to launch a "massive attack upon the illegal movements of resistance to law and order," including "the systematic effort by most of the Southern states to bar the National Association for the Advancement of Colored People from their territory, to punish its members and to hamstring its operations."

"These states seek to deny to the NAACP and its members their constitutional right of association, freedom of expression and access to the court," the Congress' letter declared. The message, sent to Dr. John A. Hannah, Commission chairman was made public here on Jan. 19.

In addition to studies of southern attacks upon the NAACP, the activities which the Civil Rights Commission was urged to initiate as part of its "massive attack" were:

—Hearings on denial of the right to vote. Such hearings should consider not only complaints by individuals reprived of the vote but also "should concern themselves with the misuse of character and literacy requirements by voting registrars, the intimidation of would-be Negro registrants and voters particularly common in non-urban areas, and other disenfranchising devices."

—Studies of the activities of the White Citizens Councils. The Councils "have encouraged and organized economic and other reprisals against southerners exercising constitutional rights" and "have imported and are distributing vile anti-Semitic materials throughout the region."

—An investigation of the Ku Klux Klan. The purpose of such an investigation would be to "establish the responsibility, if any, of the KKK for the bomb-throwings and other acts of violence that have so shocked the nation."

Eisenhower Civil Rights Stand Hit

Mon 5-19-58

A. J. C. Critical In Resolutions

MIAMI BEACH, May 18 (AP).—The American Jewish Congress debated nuclear-weapons tests today, but adopted unanimously resolutions criticizing the Eisenhower administration's stand on civil rights and Middle East issues.

Then, with the election of Dr Joachim Prinz, Newark, N. J., rabbi, as its new president, the A. J. C. closed its national convention.

Resolutions hammered at what the A. J. C. called the Administration's neutral attitude on racial segregation and its inaction on an Arab boycott of Israel and recent bombings of Jewish synagogues and community centers in the South.

These translated into action a theme that has run through the convention.

Calls on President

The A. J. C. called on President Eisenhower to demonstrate "moral leadership inherent in his office by condemning publicly" what it said is a campaign of suppression and persecution in the South against the National Association for the Advancement of Colored People.

The organization urged strict, uncompromising adherence to the principle of separation of church and state. It recorded a belief that "the religious education of children is a responsibility of parents, churches and synagogues and may not be delegated to any public agency, including the public school system."

A brisk battle broke out over a compromise resolution which wound up as little more than a prayer for a swift effective solution to the international issue of ending nuclear weapons tests.

Minority Opposes

A minority, which tried unsuccessfully to kill the resolution, contended the A. J. C. has no business taking a position on the subject.

The resolution urged President Eisenhower and Congress to protect the national security and seek "effective solutions step by step." It also urged that the government, consistent with security, give the American people the fullest possible information on the problem.

In a brief address accepting the presidency, Rabbi Prinz called for a re-interpretation of the United States good-neighbor policy toward the Western Hemisphere in the light of riots attributed to Communist leadership during Vice - President Richard M. Nixon's Latin American tour.

10 1958

B'nai B'rith League Hails Rights Bill

The Anti-Defamation League of B'nai B'rith yesterday praised the Eighty-fifth Congress for what it called the writing of the "first bright chapter in Civil Rights legislation since the Reconstruction era."

The report—called the year-end review of developments on Capitol Hill—noted that the Civil Rights bill fell far short of liberal requests and expectations but called the measure "an important breakthrough" which should give heart to the supporters of equal rights."

In its report the league declared that it was a noteworthy fact that "the long and bitter debate in House and Senate was free from Negro-baiting and racial slanders which in the past had marked civil rights debates."

The League recently named the Eighty-fifth Congress as recipient of its 1957 America's Democratic Legacy Award, annually presented for distinguished contributions to the enrichment of America's democratic traditions."

EISENHOWER HAILS B'NAI BRITH ROLE

Commends Fight for Rights as Congress Is Cited for Its Passage of Bill

Special to The New York Times.

WASHINGTON, March 8—President Eisenhower praised B'nai B'rith today for its activities in human rights.

His special message was sent to B'nai B'rith's Anti-Defamation League, holding a "Dinner with Congress" in the Mayflower Hotel here. The President said the 1957 Civil Rights Act was "a significant event in the life of the nation." The league's meeting was held to present to the Eighty-fifth Congress the league's annual American Democratic Legacy Award for the passage of the first Federal civil rights legislation in eighty-two years.

General Eisenhower's message said it was fitting that Congress should be honored by B'nai Brith, "a pioneer in the field of human rights."

"Especially notable," he said, "was the thoroughness and the dignity in which the debate was conducted in the Congress. There was a minimum of deliberate obstructionism. Prejudice and emotionalism were largely discarded in favor of frankness and logic. I am hopeful that the new Commission on Civil Rights will be effective in placing pertinent facts before the American people and in providing an example of moderation and understanding in these difficult subjects.

"For America to be strong in body and in spirit, all of us — each citizen, each private group and civil authority — have a responsibility to support and defend the Constitution of the United States."

The President's message was read by Maxwell M. Rabb, Secretary to the Cabinet. Senator William F. Knowland, Republican of California, and Hubert H. Humphrey, Democrat of Minnesota, accepted the award for the Senate. Representatives Kenneth B. Keating, Republican of upstate New York, and Emanuel Celler, Democrat of Brooklyn, accepted for the House.

Henry Edward Schultz, national chairman of the Anti-Defamation League, said in presenting the award that the civil rights law represented "the quickening of the American conscience."

"The skill and patience with which the leadership of both great parties brought the civil rights bill to successful passage deservees our plaudits as well as our gratitude," he asserted.

10 1958

'BILL OF RIGHTS 'DAY' TO BE HELD

Anniversary of Adoption Observed Monday

The 167th anniversary of the adoption of the Bill of Rights will be observed Monday, "Bill of Rights Day."

The date was announced here by Herbert C. Parker, president of the Louisiana Society of the Sons of the American Revolution.

He said:

"The import of these amendments cannot be over-estimated. Had not assurance been given Thomas Jefferson and other great leaders that they would be proposed, it is altogether probable the Constitution would not have been adopted and governmental ills might have ensued rather than the stable government that came to be under the administration of George Washington.

"The Bill of Rights is one of our most precious possessions. In dictator countries, the 'rights' we have do not exist. Instead there is intolerance and bigotry and persecution. The liberties so protected should make us all fight for their preservation; for whenever they are denied to one block of a country's population, they will sooner or later be denied to another.

"The annual recognition by the Sons of the American Revolution of the importance of this day has a special significance this year when so much for the rights of man is at stake throughout the world.

"Ours is a land of freedom and liberty but it is also a land of responsibility. We must have the courage, the patriotism and the moral strength to defend our lands from those, at home and abroad, who seek to overthrow our government, destroy our American principles, ideals and revered institutions and place us under the cruel power and relentless domination of foreign and alien peoples."

BILL OF RIGHTS

The Rights Of Men

WE WHO LIVE within the shelter of the first 10 amendments to the United States Constitution, commonly known as the Bill of Rights, are inclined to forget that numberless millions do not enjoy this protection or anything that resembles it. Millions are but dimly aware that there exists such shelter against the harsh forces of tyranny and human degradation.

This places upon us, the fortunate, a special responsibility to help speed the hour when our freedoms will be the birthright of all men everywhere. One small way of doing that is to reaffirm our allegiance to those freedoms during this month which marks the 10th anniversary of the United Nations Declaration of Human Rights.

This statement of universal principles, adopted on Dec. 10, 1948, is still honored more in the breach than in the observance. Yet these 30 human rights—to live your own life in privacy and dignity, to come and go freely, to have a voice in government, to be considered innocent until proved guilty, to be equal with all others in the eyes of the law, and so on—may eventually do more than guns and tyrants to reshape human society.

10 1958

Party's Civil-Rights Stand Key To Future Butler Role

Washington, Nov. 7 (AP)—Paul Butler said Friday his stand on civil rights will be a decisive factor in whether or not he remains as chairman of the Democratic National Committee.

The committee meets here December 6 to select a site for the party's 1960 national convention and to transact other business.

During the recent Congressional campaign Butler was criticized by some Democrats for speaking out for a strong civil rights program for the party.

Cites Truman Victory

Today, Butler said he believes the party can win the 1960 elections only by "a most forthright and positive stand in the area of human rights." He said he could see no basis for compromise on what he called "a moral, not a political issue."

Asked whether the Democrats could win in 1960 without the support of the Southern states, Butler recalled that in 1948 Harry Truman won the presidency despite the loss of some Southern states as well as New York.

Butler expressed hope that Congressional committees will give serious consideration to protecting civil rights in areas other than the right to vote. The new civil-rights law deals primarily with voting rights.

NO COMPROMISE IN RIGHTS--DEMO

Southerners Will Stay in Party, Says Butler

WASHINGTON, (AP)—Paul Butler, Democratic national chairman, predicted Wednesday his victorious party will make a no-compromise fight for civil rights in the new Congress and in its 1960 campaign.

And, he told a news conference, it is his belief that the vast majority of Southern Democrats will stay in the party.

Butler declined to speculate on what bearing the controversy might have on his own future as party chairman.

"I'll make known my plans for the future at the next meeting of the national committee Dec. 6," he said. "It will be my first opportunity to talk to members of the committee.

He said the 86th Congress, by virtue of its increase in Democratic senators and representatives, will be "somewhat more progressive and liberal than the 85th Congress."

"I think there will be a substantial revision," he added, in the Senate rule which requires the vote of two-thirds of the Senate's membership to halt debate and end a filibuster — potent weapon of opponents of racial measures.

As for the 1960 convention, he said he thought the Democrats would take a very positive position on civil rights in their platform.

"I don't want to make an effort to read anybody out of the party," Butler said. "I've no such authority or right.

"I do believe there can be no compromise within the Democratic party on human rights . . . when we write the platform, the vast majority will stay in the party."

Butler Predicts Civil Rights Move

Democratic Head Sees Vast, No-Compromise Fight

WASHINGTON, Nov. 5.—(AP)—Paul Butler, Democratic national chairman, predicted Wednesday his victorious party will make a no-compromise fight for civil rights in the new Congress and in its 1960 convention.

And, he told an early morning news conference, it is his belief that the vast majority of Southern Democrats will stay in the party.

He said the 86th Congress, by virtue of its increase in Democratic senators and representatives, will be "somewhat more progressive and liberal than the 85th Congress."

"I think there will be a substantial revision," he added, in the Senate rule which requires the vote of two-thirds of the Senate's membership to halt debate and end a filibuster — potent weapon of opponents of racial measures.

As for the 1960 convention, he said he thought the Democrats would take a very positive position on civil rights in their platform.

Butler's advocacy of a strong civil rights program has earned him the wrath of some Southern Democrats.

Alcorn Wants Reports On GOP Losses

WASHINGTON, Nov. 5.—(AP)—Meade Alcorn, Republican national chairman, Wednesday instructed all party organizations to analyze and report on GOP Congressional election defeats—and not to offer any alibis.

Alcorn told newsmen about the instructions after he and President Eisenhower had conferred briefly at the White House regarding the strong Democratic tide in Tuesday's balloting.

Asked about President Eisenhower's reaction to his call for the reports, Alcorn replied:

"He seemed very well pleased with the idea, and with the fact that we are not just sitting around until the next election."

MR. PAUL M. BUTLER
DEMOCRATIC NATIONAL CHAIRMAN

Demo Chief Defies South On Civil Rights

Accept Strong Plank Or Leave Party, Is Challenge

WASHINGTON, Oct. 19 (UPI)—Democratic National Chairman Paul M. Butler challenged conservative Southern Democrats today either to accept a strong civil rights plank in the 1960 Democratic platform or leave the party.

Simultaneously, Sen. George A. Smathers (D., Fla.) predicted there would be no walkout by the Southerners if the platform committee drafts a "reasonable and restrained" civil rights plank. He said he was confident the party will "surmount the problem again" without any party split.

Smathers, chairman of the Senate Democratic Campaign Committee, said he looks for the 1960 convention to draft a platform "with which we can live" as it did in 1951 and 1956.

BUTLER

Butler and Smathers aired their views on the civil rights questions as the pleas of Democrats and Republicans alike neared a crescendo in their efforts to corral votes in next month's congressional and gubernatorial elections.

Butler, who has feuded with anti-integration Southerners in the past, said on a television program he believed "there will certainly be no compromise" on the civil rights issue in the 1960 Democratic platform.

He said he hoped Southern pro-segregation Democrats like Gov. Orval E. Faubus of Arkansas and Sen. James O. Eastland (D., Miss.) "would take leave of the Democratic Party" if they cannot support the platform.

"If they don't want to go along on the racial problem and the whole area of human rights," he said, "then I think they are going to have to take political asylum wherever they can find it, either in the Republican Party or a third party."

But Smathers said on another TV program that the Democratic Party faced "no grave danger" of any 1960 Southern bolt like the walkout of the States Righter in 1948.

He said Southern Democrats realize that their future is bound up with that of the national party.

Both Smathers and Sen. John Sherman Cooper (R., Ky.), who appeared with him on the same program, agreed that foreign policy properly can be the subject of debate in the current political campaign.

Their agreement came in the face of statements by President Eisenhower and former President Truman that they hoped foreign affairs would be kept out of the political arena.

But Butler said the Republicans have made foreign policy a campaign issue "because they claim they are responsible for peace."

Smathers said that foreign policy issues must be debated because that is "the only way democracy can work."

Cooper agreed that the "matter is so vital that both parties should debate it."

Both Smathers and Cooper predicted victory for his party in the elections Nov. 4.

Butler said he was more confident tha ntver that the Democrats next month will increase their margin of control in the House and Senate.

He said Democratic leaders in a Democratic-controlled 86th Congress "will not attempt to create any pressures" on the President and Secretary of State John Foster Dulles on foreign policy issues.

But he said a Democratic victory would force the President and Dulles undoubtedly to return "to a policy of bipartisanship" in the field of foreign affairs.

Republican National Chairman Meade Alcorn said the election of a Democratic Congress next month would "immeasurably undermine" the President in dealing with the Communists and preserving the peace.

Alcorn said in a statement that the chief issue in the current campaign was the "inherent weakness of Democrats and their party toward maintaining the peace."

"The President would be consistently undercut, sniped at and sabotaged," he said, "if the next Congress is dominated by the party of the left-wingers and appeasers who have been warned by the President that they court war with the Reds through their political attacks on American foreign policy while the delicate Warsaw negotiations are in progress."

The statements by the rival national chairmen were among a bevy of political outpourings from Democratic and Republican leaders in advance of the voters' trek to the polls Nov. 4.

Sen. Paul H. Douglas (D., Ill.) said on a radio program that he did not believe the President's campaign speeches

would have "much effect" on the election.

"People don't take his opinion seriously," Douglas said. On the question of foreign policy, he said Democrats never would criticize the Administration as "vigorously" as the Republicans criticized Truman during the Korean war.

"We'll never make snide remarks at Eisenhower's policy," he said.

Sen. Joseph C. O'Mahoney (D., Wyo.) said a "last desperate drive" by the President and Nixon in the current campaign to win votes for the GOP next month had only produced "confusion."

He said it was "not clear" whether the President, Nixon and Dulles are in agreement about the role of foreign policy in the political races.

House Republican Whip Leslie C. Arends (Ill.) said the Democrats "will make the present 12 billion dollar deficit look like chicken feed" if they retain control of Congress.

He said an additional $5,600,000,000 "would have been appropriated this year on top of the record-breaking peace-time spending — if the Democrats had succeeded in their plans."

"They were held in check to this extent by the Republican minority in Congress and by presidential vetoes and veto threats," he added.

Civil Rights Commission Is Challenged By Alabama Judge

Jurist Says He Will Not Reveal Court Records To Investigators

CLAYTON, Ala., Jan. 19.—A south Alabama judge declared today that records of his court will be closed to federal civil rights investigators.

Circuit Judge George Wallace said he is uncertain whether the order can include voting records but that he is "studying that possibility."

Voter registration is handled by a separate board whose members themselves are defined by law as judicial officers.

Wallace, a probably candidate for governor in the Democratic primary in Alabama this spring, announced his action in a prepared statement. He said he has given verbal instructions to the clerk of his court and a formal order is being prepared. His circuit, composed of Barbour, Bullock and Dale counties, has a heavy Negro population.

He Says No Right

The judge said the new Civil Rights Commission as a part of the executive branch of the government has no constitutional right to "review or condemn" the actions of states courts.

"Only a higher court has such authority under our separation of powers theory of government," the statement declared.

"Any attempt by the Civil Rights Commission to collect information for such purpose would be a gross usurpation of authority by the executive branch . . . and a direct encroachment . . . upon the judicial branch of state government."

Wallace said any subpoena issued by the Civil Rights Commission to see the records of his court will be refused and "the legality of such subpoenas shall be tested in the courts of the land." He said further than any federal agent who persists in trying to get information in violation of his order "will be treated as a contemptor having committed contempt in the presence of the court." That could mean a fine or jail sentence.

Wallace presided at a hearing in his home county of Barbour in October, 1956, when an effort was made to purge the names of 32 newly registered Negroes from a voting list. The action later was dropped.

About that time an assistant U. S. attorney general, Warren Olney, III, announced plans to investigate alleged disfranchisement of Negro voters in the South.

Olney said FBI investigations were then designed to lay the basis for post-election criminal prosecutions "in every instance" where it could be shown that a Negro was denied the right to vote because of color in the November general election that year.

There was no direct reference to the lawsuit pending in Judge Wallace's circuit.

Wallace, who previously threatened to jail any FBI agent who tried to investigate jury rolls in his circuit, said the records of his court are public documents, but only to be used "for a lawful purpose."

He said it would be "an illegal action" for the Civil Rights Commission to review the court records to see if the judge has denied "equal protection under the laws." Therefore, he said, the records would not be available for such use.

10 1958

CIVIL RIGHTS

U. S. Action In Racial Bombings Sought In Civil Rights Bills

Atlanta World p-1

mon-6-10-58

Atlanta Ga

Racially-Inspired Bombing In Florida, Alabama And Tenn. Target Of Sen. Jacob K. Javits

WASHINGTON, D. C. — (NNPA) — In introducing the civil rights bills in the Senate Thursday, Senator K. Javits, Republican, of New York, made public the substance of the Justice Department reply to demands that it act in the racially inspired bombings in Florida, Tennessee and Alabama.

One of the bills wuold extend the Civil Rights Commission through June 30, 1960—some nine months beyond its original expiration date.

The second bill would make a Federal crime of conspiracies crossing state lines in cases of outbreaks of violence such as bombings of synagogues, churches, community buildings, schools and homes as have occurred in several southern states.

The two bills are similar to measures offered in the house by Representative B. Keating, Republican, of New York.

In introducing the measures, Senator Javits told the Senate that "The failure of Congress to consider the civil rights bills already before it should not obscure our need to enact necessary civil rights legislation which basically should be considered non-controversial."

REGRETTABLY DELAYED

The New York Senator pointed out that the Civil Rights Commission had been "regrettably delayed in getting started."

The bill to lengthen its life, he said, would allow the Commission more time to pursue its primary duties to investigate charges of deprivation of the rights to vote and to study attempts to deny equal protection of the law guaranteed by the Constitution.

The need for the second bill he introduced, he said, "stems from the recent bombings in Florida Tennessee and Alabama and will directly implement the requests of the Senators of these states to the Justice Department" for FBI investigations of the bombings.

Following the first news of these bombings, Senator Javits requested that the FBI investigate "the threats to the lives and homes of people arising apparently because of their attitude of compliance with the Supreme Court's decision requiring integration of the public schools."

In rely, Deputy Attorney General Lawrence E. Walsh on Jun 2 wrote Senator Javits as follows

"I understand your sense of outrage and I am sure you realize how deeply it is shared by Attorney General and others in this Department . . .

"First, as to what the Department can do. Ordinarily, crimes of violence, including the bombing of religious buildings are subject to exclusive state jurisdiction, even if they are the result of a conspiracy and even if the conspiracy is operative in several states.

"The Federal Bureau of Investigation may undertake the investigation only as authorized by federal statute or if there is reason to believe that certain federal statutes have been violated.

"You suggest the possible violation of federal statutes which forbid the transportation of explosives by common carrier, threats by interstate communication and conspiracy to obstruct justice.

"Each of these statutes, along with others which you do not mention, were considered as possible bases of jurisdiction and preliminary investigation made with respect to those in which there was any likelihood that jurisdiction could be established.

"In each case it was found that the facts clearly indicated a substantial lack of some element necessary for jurisdiction."

INTERSTATE CONSPIRACIES

Senator Javits said his bill to make interstate conspiracies a federal crime would repair the lack of jurisdiction which currently exists as outlined in the Deputy Attorney General's letter.

If enacted, he said, his bill would provide that in specified organized crimes resulting from an interstate conspiracy the Justice Department would have jurisdiction to prosecute and, consequently, the FBI would have authority to investigate such cases.

He pointed out that one provision of his bill would specifically cover personal assault and wilful destruction of structures by bombing and otherwise.

"It would be a tragic mistake at this crucial period of international unrest for us to forget that Communist propagandists from Moscow to Peiping eat up news reports of any violence against minority groups in our country," Javits said, adding:

"Their radio and newspaper audience among the nearly one billon people whose skins are yellow and black now living in the less developed and uncommitted areas of the world pays close but not always critical attention to the Communist charges of bigotry and hatred leveled with such gross unfairness against the people of the United States throughout these super-sensitive areas of the world.

"Our best answer is the good faith of the action we take and we have evidence that this is appreciated in these very countries."

'Rights' Body Asks Facts On Georgia 'Brutality'

Tallahassee Daily Democrat

Tallahassee, Ala.

DAWSON, Ga. (AP) — The Civil Rights Commission says it needs specific complaints before taking action against alleged police brutality of Negroes in this south Georgia section.

Wed 6-11-58

A Washington, D. C., newspaper's report that Negroes in Dawson live in an atmosphere of fear were denied by white officials and two Negro spokesmen. P.1

Staff Director Gordon M. Tiffany said after a Civil Rights Commission meeting in Washington yesterday that the commission would not consider rumors. But he said it would diect knowledge of brutality reported Sunday by the Washington Post and Times-Herald. The story told of two Negroes being slain and another being wounded by Dawson policemen in recent months.

Alfred Friendly, managing editor of the Post and Times-Herald, said "We remain convinced of the accuracy of our story."

E. E. Sykes, a Negro school principal, and Tom Moore, a Negro leader and undertaker here, both denied any atmosphere of fear among their race.

Both said they knew nothing of several incidents of alleged brutality citied by the Washington newspaper.

Dawson Mayor V. L. Singletary also denied any terror among local Negroes. "It's very peaceful," he said.

He supported police Chief Howard Lee's statement that officers were just doing their duty in the incidents in which two Negroes were killed and another wounded

Tiffany sets rigid qualifications—

CRC seeks polished sleuths to probe racial problems

WASHINGTON, June 14—(AP)—A sleuth with the touch of a diplomat.

That's the type of man the government's new Civil Rights Commission intends to send into the field when it wants to make an investigation.

Racial questions are one of the nation's touchiest problems. And folks living in areas where alleged discrimination occurs do not look kindly, in many cases, on outsiders who come in to investigate.

FOR THAT REASON Gordon M. Tiffany, a New Hampshire lawyer who was sworn in recently as staff director of the new commission, has laid down some rigid qualifications for his investigators.

"They must have tact and be able to work with diplomacy," he told a reporter.

"They must have ability to deal with delicate situations. They must be able to go into communities quickly, quietly and without creating a disturbance, take a wealth of material and by analysis sort out the significant factors and properly present them in a report."

The commission, created under last year's Civil Rights Act, is empowered to investigate sworn complaints of denials of voting rights and to study civil rights problems in general.

EARLIER THIS WEEK, Tiffany announced the commission will launch a nationwide inquiry this month in the three major areas of racial discrimination—voting, education and housing.

Right now, Tiffany said, the commission hasn't decided whether it will make individual complaints public because so far it hasn't been confronted with the issue. The group may decide, he said, that making public the names of complainants might harm the individuals involved and hinder the commission's efforts to obtain all the facts.

Sheriff Pleads No Contest In Rights Case

Special to The Post-Herald

MONTGOMERY, June 11 — Sheriff H. Pierce Saxon of Coosa County pleaded nolo contendere (no contest) today to charges of violation of the civil rights of two Birmingham area men, and was fined $500 by U. S. District Judge Frank M. Johnson Jr.

Earlier Saxon had pleaded not guilty and a jury was unable to agree on a verdict.

The men, Matthew Harris and John Leith, claimed the sheriff beat them outside a Goodwater service station in February of last year. They had stopped at the service station and cafe while returning from a hunting trip in Chambers County.

Neither of the men was arrested.

Sheriff Saxon is completing his term in Coosa County. He was defeated in the June 3 runoff for the Democratic nomination by Lawrence E. Estes, 1875 votes to 1477.

State NAACP Issues Call For New Civil Rights Law

URBANA, Ill. — The Illinois conference of branches of the NAACP has called on the state General Assembly to enact "a series of measures that will protect the constitutional rights of Negroes and extend to them full first class citizenship and equality of opportunity."

The action was taken at the closing session of the state convention held on the campus of the University of Illinois.

Dr. L. H. Holman, of Joliet, president, said the Illinois N. A. A. C. P. will campaign for the passage of FEPC-equal job opportunities law; measures to ban racial discrimination in all public and publicly assisted housing and in the field of private housing; and to ban segregation in public schools by withholding state aid from districts which practice racial discrimination.

The legislative program of the Illinois NAACP also calls for the establishment of a fully effective State Commission Against Discrimination with authority, staff and funds to combat discrimination and segregation in employment, housing, education, hospitals and other areas or expand the powers of the present Commission on Human Relations by granting it more authority, staff and funds.

Other proposals call for strengthening the present civil rights laws and for more effective measures to combat violence against Negroes moving into previously all white areas.

The convention resolution of legislation noted that in spite of present laws "we still find Negroes in Illinois denied their constitutional rights of full citizenship and equality of opportunity."

No greater tribute could be paid to the memory of Abraham Lincoln and those who pioneered measures to grant and protect full citizenship and freedom to Negroes the NAACP said, than for the Illinois General Assembly in 1959, the 150th anniversary of Lincoln's birth, to pass adequate and effective legislation to ban racial discrimination and segregation.

Case Pledges Civil Rights Battle Slated

WASHINGTON (UPI) — Sen. Clifford P. Case (R - N.J.) made clear that Senate liberals will use the Arkansas-Virginia school integration dispute as a wedge to pass more civil rights legislation in the next Congress.

In an address to the New Jersey conference of the National Association for the Advancement of Colored People at Trenton, he said he would fight to add to the new civil rights law a section to permit the Attorney General to seek injunctions in racial discrimination cases.

Case called for "a real effort" in the new Congress "to provide new trial methods better calculated to deal with the technical questions of educational standards and student qualifications which a judge may be called upon to evaluate."

Earlier this week, Case and Sens. Paul H. Douglas (D-Ill.), Hubert H. Humphrey (D-Minn.), and Jacob K. Javits (R - N.Y.) announced plans to push for changes in the Senate filibuster rule. The rule requires 64 votes —or two - thirds of the Senate's present 96 members — to shut off filibusters against controversial legislation. Southern senators have used it in years past to defeat or sidetrack racial legislation. However, the necessary two-thirds total will rise to 66 when Alaska's two senators raise the membership total to 98 in January.

The pro - civil rights forces are counting heavily on both Alaska senatorial votes, regardless of which party wins the seats.

Meantime, Sen. A. Willis Robertson (D - Va.) summed up the Southerners' continued opposition to both the rules change and civil rights legislation. "We are going to put on the best fight we know how," he told a reporter. And, Robertson said, "We have every reason to be successful."

Rights Unit Seeks Local Co-operation

More Mediation Will Be Policy, Hearing Is Told

WASHINGTON, May 4 (AP)—The new Civil Rights Division of the Justice Department has told Congress it will try for extensive liaison and consultation with state law enforcement officers.

W. W. White, assistant attorney general in charge of the unit created by the civil rights law enacted last year, told a House appropriations subcommittee, "We think more can be accomplished by discussion and mediation than has been possible in the past with the limited operations of the section."

The law sets up the civil rights section as a major division of the Justice Department with the special duty of seeking injunctions against restrictions on voting rights.

Previously, a similar civil rights unit with the criminal laws division had largely devoted its activities to handling charges of civil rights violations by officials of states and cities.

White told the committee that his new division also will undertake "the collection of far greater information, both factually and legally, in the whole civil rights area than has been possible in the past."

He added: "We think without such activity we just cannot do the job."

White testified Jan. 14. His testimony was made public today.

HOUSE VOTES MONEY BILL

South's Bid to Cut Rights Fund Lost

WASHINGTON, May 15 (UP)—The House today passed and sent to the Senate a $570,722,613 appropriation bill after defeating an attempt by Southerners to slash funds for the Justice Department's new Civil Rights Division.

The measure carried funds to finance operations of the State and Justice Departments, the U.S. Information Agency and the federal judiciary in the fiscal year starting July 1.

After the Southern move was rejected, Rep. John Bell Williams (D-Miss) forced the roll call vote on final passage by objecting that a quorum wasn't present.

The funds allotted by the measure were the same as recommended by the House Appropriations Committee. The House without changing the total accepted by voice vote an amendment raising the pay of Immigration Commissioner Joseph M. Swing to $20,000 a year from the present $17,500.

The Southerners attempted to cut funds for the Civil Rights Division to $148,000 from the $490,000 recommended by the committee.

The amendment offered by Rep. Robert L. F. Sikes (D-Fla) was rejected by a resounding voice vote.

Sikes argued that the $490,000 figure approved by the Appropriations Committee would be a waste of money. But Rep. John J. Rooney (D-NY) head of a subcommittee that handled Justice Department funds, said the new division "is no big boondoggle project at all."

He said Sikes' proposal would destroy the new division, created by Congress in the 1957 civil rights law.

Sikes' move came after Southern Democrats in the Senate were beaten yesterday in an effort to block confirmation of Gordon MacLean Tiffany as staff director of the new Civil Rights Commission created last summer under the new civil rights law.

The law passed by Congress last year also expanded the Justice Department's old civil rights section into a division. Its budget was increased from $148,000 this year to $490,000 for the new fiscal year.

Sikes told the House the old civil rights section had a five man staff a few years ago, and now is up to a staff of 50. He forecast that "empire builders" in the division may pyramid the staff eventually to 500 or even 5,000. He said he suspects that even then the staff still will be doing the work of five men.

Last year the old civil rights section got along on $79,000, Sikes said. With the new division put into operation midway of the current fiscal year, the budget is up to $148,000 for the current year, and Sikes proposed to hold it at that level.

N. A. ROCKEFELLER CALLS FOR RIGHTS

Proposes Nation-Wide Plan of Conferences to Speed Civil Liberties Aims

Nelson A. Rockefeller called yesterday for a "comprehensive program" of conferences "to accelerate our efforts" for civil rights.

He cited the "economic waste and moral erosion" resulting from discrimination, and declared that "a positive program is urgently needed."

Mr. Rockefeller, who has been prominently mentioned as a Republican candidate for Governor, addressed about 1,000 persons at the Riverside Church.

While Americans have made substantial progress toward full civil rights, he said, "the time has now come, in my judgement, to accelerate our efforts." He proposed "a comprehensive program at every level or our national life, that will highlight the areas where civil rights are not fully realized and formulate methods" to eliminate these areas.

"A positive program is urgently needed," he continued. I should like to see it start in the localities, with local conferences that would inventory local progress and pinpoint areas where local corrective measures are needed.

"From the localities, the program would move to the state level, with state-wide conferences, to determine the extent to which full participation in American life is denied to all minorities by virtue of state action or inaction. At that level, needed state programs of action and legislation could be formulated.

"Finally, out of these state conferences, should come a national conference, where as a nation, we could reaffirm our faith in the worth of the individual and his right to full opportunity."

He also said that the nation "must reverse the current recession and restore and accelerate our economic growth rate." He tied this to civil rights by saying "a large segment of our population is outside the mainstream of economic growth" partly through discrimination and denial of civil rights.

Mr. Rockefeller is chairman of the State Joint Legislative Committee on Constitutional Revision. He spoke at the annual service of the Star of Bethlehem Grand Chapter of the Order of the Eastern Star.

Action to Speed Rights Urged

Passage of a strong civil rights bill providing Federal legal and financial aid to hasten school desegregation and protect other rights was urged yesterday by Sen. Paul H. Douglas (D-Ill.).

Douglas testified at the opening of a series of House Judiciary subcommittee hearings on several civil rights bills introduced this year. Enactment of a major civil rights bill is given little chance this year. The Senate has voted against even holding hearings.

Rep. Kenneth B. Keating (R-N.Y.), a civil rights champion, took onte of the "practical" difficulties of passing a major bill this late in the session. He urged that the subcommittee concentrate instead on his bill to extend the life of the Civil Rights Commission nine months to June 1960.

White House Talk Urged

Keating's bill would give the Commission two years of active life. He also urged President Eisenhower to consider calling a White House conference in civil rights where leaders of both races could discuss problems.

Both Douglas and House Judiciary Chairman Emanuel Celler (D-N. Y.) urged action on a broader bill now. Celler said Little Rock's mob scene last September and the recent court order suspending school desegregation there showed the "necessity" for civil rights legislation now.

Douglas and Celler have sponsored bills which among other things would authorize $40 million in Federal school aid annually to desegregated communities which have lost state funds.

Arlington and other Virginia communities could benefit from this provision if they desegregated and lost state school aid under Virginia's pupil placement act.

Provisions of Bill

Douglas' bill would set up a $2.5-million-a-year program by which the Department of Health, Education and Welfare would help communities work out desegregation plans before crises arise.

The bill also would authorize the Justice Department to the Justice Department to seek injunctions to enforce school segregation and all civil rights. The law enacted last year permits Justice to seek injunctions to protect only voting rights.

Douglas said the 145 anti-integration laws passed by state legislatures, the complete resistance of seven states to integration, the bombings of churches, the "failure of Federal leadership" and the "intimidation" by state investigating committees all point up the need for legislation.

Celler's subcommittee will hear other Congressmen today and Friday and will hear other witnesses later.

SENATE NEARING A VOTE ON WHITE

Southerners Fight Nominee for Civil Rights Post—Court Bills Put Off

Special to The New York Times.

WASHINGTON, Aug. 18—The Senate headed toward a showdown vote tonight on the nomination of W. Wilson White as chief of the Justice Department's Civil Rights Division.

The nomination, pending since January, was called up for floor action this evening after a day of maneuvering on several bills dealing with the Supreme Court. The Senate leadership finally put off the court legislation until tomorrow.

Mr. White has had a recess appointment as first Assistant Attorney General in charge of the rights division. The division was set up by the Civil Rights Act of 1957 to handle Government civil and criminal actions in that field.

Southern opponents of Mr. White have concentrated their fire on the fact that, as head of the Office of Legal Counsel, he drew up the legal memoranda supporting the use of troops to enforce school integration last year in Little oRck, Ark. His nomination was tied up in the Judiciary Committee until last week.

Several Court Bills Due

The first of several bills aimed at the Supreme Court had been expected to reach the Senate floor today. This measure provides that confessions obtained by Federal agents shall not be excluded from evidence "solely because of reasonable delay" in arraignement of prisoner.

In a 1943 landmark case the Supreme Court held that when the police ignored a rule requiring arraignment of suspects "without unnecessary delay," confessions so obtained would be inadmissable. The idea was to discourage seclusion of suspects and possible use of "third degree" treatment.

Last year the court unanimously reaffirmed that view in reversing the District of Columbia rape conviction of Andrew Mallory because he had been questioned seven hours before arraignment. The decision set off protests by the Washington police and prosecutors.

The so-called Mallory bill, as it passed the House, would require the admission of a confession into evidence no matter how long the police had delayed in arraigning a person. At arraignment he is told of his rights and is allowed to have a lawyer for the first time.

Cause of Dissension

The Senate bill adds the significant requirement that the delay must be "reasonable." This provision was a cause of dissension.

Some Southern Senators said they would try to amend the bill to make it tougher. Their amendment would restrict the right of reviewing courts to upset a finding at trial that the delay had been "reasonable."

Two Republicans who have been pushing an omnibus bill to curb the Supreme Court said they would offer it as an amendment to the Mallory bill. They were Senators John Marshall Butler of Maryland and William E. Jenner of Indiana. Others said they would offer more measures aimed at the court as amendments.

Senator Lyndon B. Johnson of Texas had hoped to get the Mallory bill through with little debate in the adjournment rush. The Democrat majority leader held off action in the hope of persuadin gall sides to withhold amendments that would provoke talk.

The Justice Department took its first official stand on the Mallory problem. A letter from Attorney General William P. Rogers said the department had "no objection" to the Senate version of the bill including the word "reasoonable."

Mr. Rogers reiterated the department's opposition to various measures intended to curb the Supreme Court or reverse certain decisions. He also reaffirmed support of other pending bills intended to offset decisions of the court.

Civil Rights 'Flop' Called Reason For Elections' Watch

By ROULHAC HAMILTON
Washington Correspondent

WASHINGTON — The zealous plans of the Justice Dept. to uncover wholesale election day violations in the South next Tuesday appeared Thursday to have developed from the fact that its new Civil Rights Division has flopped for lack of complaints.

The News and Courier learned Thursday that the Civil Rights Division, in more than a year of existence, has had only 16 complaints charging denial to Negroes of their voting rights — and that 10 of these cases had been thrown out as unsubstantiated.

LESS THAN 150

The 16 complaints involved admittedly "less than 150" of the thousands of Negroes who, advocates of puntitive civil rights legislation constantly allege, are being denied the right to vote in the Southern States.

And of the six complaints still under investigation by the Federal Bureau of Investigation, only one has been substantiatel to an extent that the Civil Rights Division has been willing to initiate a court action. That one, in Terrell County. Ga., has been set for trial in January, two months after the elections.

FACTS ADMITTED

These facts — admitted by Joseph M. F. Ryan Jr., first assistant to Asst. Attn. Gen. Wilson White, who heads the Civil Rights division — indicated to some observers that the Justice Dept is determined to find on Tuesday something for the Civil Rights Division to do.

Atty. Gen. William P. Rogers announced Wednesday he had ordered United States attorneys throughout the country to remain open throughout election hours in their states, and to take prompt and vigorous action — looking toward prosecution — on all complaints brought in by persons alleging denial of their right to vote.

As a matter of fact, a district attorney could do more than prosecute. Under last year's Civil Rights Law, he can go immediately before a federal judge, in a civil action, and ask for a "forthwith" order directing election officials to let a person vote.

WOULD BE TRIED

An election official who refused to yield to the court order presumably would be tried for contempt of court under the Civil Rights Law.

Ryan, admitting that complaints of violations of voting rights, including the right to register, have been far and few between; involved no significant numbers of persons, and more often than not were unsubstantiated, would not concede that this situation indicated that there has been no substantial denial of voting rights to Negroes.

cise commitments, he told them, and would be guided entirely by circumstances.

"But," he added, "I can say categorically that it is not the program of the Justice Department to enforce school integration at the point of a bayonet."

* * *

MR. WHITE'S associates describe him as a "moderate" and he likes to regard himself more as a "moderator" than a crusader. He strives to achieve understandings by peaceful mediation.

"The field of race relations," he said recently, "is one where mutual understanding is of the highest importance. Feelings run so high that if some one can moderate differences, he can often come up with the right answer. Often, if people feel they can get a fair shake, troubles can be resolved."

In line with this ideal of moderation, he announced that he would appoint some Southerners on his legal staff

W. Wilson White

an to Watch White: Civil-Rights 'Moderator'

PHILADELPHIA born W. Wilson White, head of the Justice Department's newly created Civil Rights Division, holds one of the most difficult posts in the nation today.

This fifty-two-year-old lawyer, reared a Quaker, was appointed by President Eisenhower last December to protect the voting privileges and other civil rights of the country's citizenry, regardless of race, creed or color. His confirmation by the Senate is still pending.

Mr. White has shown some glimpses of himself during the recent three or four critical examinations before the Senate Judiciary Committee whose segregationist bloc, headed by Committee Chairman Sen. James Eastland, D., Miss., have been anxious to discover how far the new rights protector will go, and have been stalling on his confirmation since January.

Was he a wild crusader, they asked; would he use troops again in the Little Rock, Ark., Central High School case or any place else?

He could make no pre-

of sixty "to get their point of view and that of their part of the country."

This mediation idea, he indicated, worked out quite well during his years as United States Attorney for Eastern Pennsylvania when he handled many cases of police mistreatment of minorities. "We were able to work most of them out," he explained, "in conference, and never actually had them to trial."

Mr. White, before his interim appointment by President Eisenhower as Assistant United States Attorney, had been Assistant Attorney General in charge of the Office of Legal Counsel since March 25, 1957. This office had the job of preparing the President's legal documents and proclamations surrounding the dispatch of troops to enforce desegregation in Little Rock. Before this post he had been United States Attorney for Eastern Pennsylvania from 1953.

MR. WHITE was born in Philadelphia of Quaker parentage on Feb. 23, 1906, but became an Episcopalian upon marriage to his wife, the former Mary Lowber Sailer. They have three sons, William Wilson White jr., Welsh Strawbridge White and Alexander Strawbridge White.

Mr. White obtained his A.B. degree from Harvard University in 1930 and his law degree from the University of Pennsylvania Law School, where he was editor-in-chief of the Law Review.

During World War II he was a commander in the United States Navy in charge of sub-chasers on the West Coast.

He likes golf and make-it-yourself carpentry.

M. JAY RACUSIN.

Courier Publisher Named

List 11 New Members For Rights Committees

WASHINGTON, D.C. — Two newspaper publishers, a former all-American football star, a member of the Washington State Legislature, and a recently appointed municipal judge were named to State Advisory Committees last week by the Commission on Civil Rights.

They were among 11 Negroes named on 13 State Advisory Committees during the week.

These groups are appointed to study civil rights problems within their respective states and report their findings and recommendations to the Federal Commission.

A TOTAL of 34 have been named so far. Six others have been approved and will be announced by the end of November. Similar groups are being organized in Puerto Rico, Hawaii, the District of Columbia, and the soon-to-be-admitted state of Alaska.

The publishers named are W. Beverly Carter of The Pittsburgh Courier, to the Pennsylvania Committee, and Cecil E. Newman, of the Minneapolis Spokesman, to the Minnesota group.

Mr. Carter, vice president of the National Newspaper Publishers Associattion, is a director of the United Fund of Pittsburgh. Mr. Newman is publisher also of the St. Paul Recorder, a member of the Mayor's Council on Human Relations and the Governor's Advisory Committees on Youth and Mental Health.

THE FORMER gridiron star is Dr. Jerome H. Holland, president of Delaware State College at Dover.

Known best by the nickname "Brud," he helped make Cornell one of the nation's outstanding teams in the late '30s. An end, he frequently ran with the ball on end-around plays.

He is a member of the Governor's Advisory Committee on Education, and of the Delaware Committee on Juvenile Delinquency.

The West Coast legislator is Charles M. Stokes of Seattle, an attorney, a director of the Seattle Boys' Club, a member of the Medina Children's Society, and a former member of the Seattle Civic Unity Committee.

The municipal judge is Harry Hazelwood Jr. of Newark, a former assistant prosecutor of Essex County.

Others named were:

Delaware—Earl C. Jackson of Wilmington, principal of Bancroft Secondary School; a director of the Delaware P-TA, and a member of the Mayor's Committee on Slum Clearance and Urban Renewal, and of the Governor's Commission on Youth Services.

Pennsylvania—William T. Coleman Jr. of Philadelphia, attorney, a director of the NAACP Legal Education and Defense Fund and of the Philadelphia Community Chest, Inc.

Nevada — Woodrow Wilson of Las Vegas, treasurer of the West Side Federal Credit Union, and a member of the Las Vegas Chapter, NAACP executive board.

Utah—Mrs. Thomas W. Richmond of Salt Lake City, social worker, member of the American Association of University Women, and a past grand officer of the Order of Eastern Star.

Oregon — Mrs. Ulysses G. Plummer Jr of Portland, social worker with the Catholic Services for Children, and former president of the Oregon Association of Colored Women.

Nebraska — Roy M. White of Omaha, a chemist with the State Department of Agriculture.

Bank Official Heads Rights Commission In Rhode Island

WASHINGTON, D. C. — The Commission on Civil Rights has appointed a Rhode Island Advisory Committee and named a Negro bank official as its chairman. The announcement was made Monday by Commission chairman John A. Hannah, president of Michigan State University.

Nivelle Beauvien, who will head the five-member Rhode Island Advisory Committee, is the assistant manager of the Industrial National Bank of Providence, in charge of its Six Corners branch in East Providence.

He is not the first Negro to serve as chairman of the State Advisory Committee, however. Harry A. Cole, Baltimore lawyer, and a member of the Maryland State Senate, was elected chairman by the other members of the Maryland Committee at its organizational meeting in Baltimore on November 5.

Most of the State advisory committees appointed so far have included one or two Negro members. Some of these have been elected vice chairman or secretary, but Beauvien is the first of his race to be appointed chairman by the Commission.

Dr. Hannah said the Commission expected to have advisory committees organized in every state before the end of the year. These groups are asked to study problems of discrimination and denials of civil rights by reason of color, race, religion or national orgin, within their respective states.

Although the U. S. Commission in its studies is concentrating on voting, housing and education, state committees may choose whatever field of civil rights they desire. They are expected to report their findings and recommendations to the Federal Commission.

Other members of the Rhode Island group are Mrs. Newton P. Leonard, Providence, past president of the National Parent-Teachers Association; Joseph K. Levy, Providence, associated with Sidney Kane Company, investors; Felix A. Mirando, Providence, president of the Imperial Knife Company, and Dr. Barry Marks, Barrington, professor of literature at Brown University.

The Rhode Island committee will hold its first meeting in East Providence on November 17.

Beauvien was born in Lancaster Pa., but his parents moved to Rhode Island when he was six years old. He attended public school in Providence and the University of Rhode Island.

A science major with ambitions of being a chemist, Beauvien interrupted his college education in his junior year to enter military service. He spent three years from 1942 to 1945 in the European Theatre with an Air Force operations unit reaching the grade of seargeant.

He entered the banking business following a stint with the finance section of the Veterans Administration. His first job was as a loan interviewer. While employed by the bank he took courses in banking at Boston University.

He is married to the former Horora Williams of Providence. They have two sons, 10 and 11 years of age.

Beauvien is active in community affairs. This year he is town chairman of the United Fund campaign for East Providence.

Everyone is entitled to equality

DARIEN, Conn. — What Americans must do to fulfill the promise of the Constitution will be done "because in our minds and our hearts we we believe that every human being is entitled to the equal protection of the laws."

Gordon M. Tiffany, director, U. S. Commission on Civil Rights said that today, "the crux of this problem of equal protection is the status of the 18 million colored Americans and the cutting edge now is the issue of desegregation of the public schools."

His remarks last Sunday were in a speech delivered at the first of four fall meetings devoted to discussions of civil and human rights at the Darien Congregational Church.

* * *

MR. TIFFANY, commenting on the world attention which this domestic problem has attracted, said that "our example of peaceful progress will encourage the forces of law and of peaceful change everywhere."

Referring to the migration of colored people find in the Mr. Tiffany said there is an "irony" in the greater economic, educational opportunities and voting freedom which the colored peopel find in the North and West.

"Racial discrimination in housing," Mr. Tiffany explained "prevents him from fully enjoying these opportunities."

"The black belts of colored housing areas now spreading in northern and western cities," he added. "spell schools that are segregated in fact although not by laws."

* * *

RESIDENTIAL segregation of colored people also "spells slums and all the social de-

moralization that goes with them," the speaker declared.

He also said that the Urban Renewal program is leaving in the wake of its vast progress "many critical questions of discrimination."

"We need to see whether everything is being done that can and should be done through these programs to bring about an end to discrimination in housing," Mr. Tiffany stated.

* * *

HE TOLD the audience that Connecticut had "done a great deal" in the field of housing discrimination, — "More than many other states."

He referred to studies conducted by the State Commission on Civil Rights into racial integration in public housing projects and in private residential neighborhoods in Connecticut.

"We need to go forward with the courage of our convictions to create truly open and democratic communities," Mr. Tiffany said. "Any community that does this will become healthier, happier and more geniunely beautiful in the process."

Earl B. Dickerson in N.Y. Hospital

CHICAGO — Supreme Liberty Life's president and general manager, Earl B. Dickerson was stricken with an attack of appendicitis, while in New York to attend a week long seminar sponsored by the American Management Association on the subject of mergers.

Mr. Dickerson was operated upon Wednesday at the French Hospital in New York City. His condition is satisfactory.

The president's wife, Mrs. Katherine Dickerson flew to New York immediately upon notice of his illness.

Members named to rights bodies

PITTSBURGH, Pa. — Gordon M. Tiffany, staff director of the Commission on Civil Rights, said Thursday that advisory committees appointed by his agency in each of the 48 states will give impetus to the efforts of all the groups concerned with civil rights problems.

His remarks were contained in a speech prepared for delivery Thursday at the 12th annual conference of the National Association of Intergroup Relations Officials.

Mr. Tiffany said that the Federal agency had been urged to "intervene and participate in discharging the duties" of the various state commissions against discrimination, established by the laws of those states.

However, he said, it is the view of the Federal agency that "more can be accomplished by obtaining the advice and the creative thought of the leaders on the local scene among whom, certainly, are the outstanding citizens who have accepted membership on the Civil Rights Commission's advisory committees."

* * *

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Nebraska — Roy M. White, of Omaha, a chemist with the State Department of Agriculture.

* * *

THE FULL membership of advisory committees named during the week includes:

5½ point to come

NEBRASKA

REVEREND HENRY W. CASPER, S.J., Omaha, associate professor, former dean of Graduate School, Creighton University.

HARRY B. COHEN, Omaha, attorney; past president, Omaha Bar Association, member, Omaha Board, Anti-Defamation League of B'nai B'rith.

NEIL B. DANBERG, Omaha, director, Mayor's Commission on Human Relations; Nebraska Regional Director, National Conference of Christians and Jews.

MRS. MORRIS C. LEONARD, Lincoln, member, Mayor's Council on Human Relations, Governor's Committee for Youth; past president, United Church Women of Nebraska; chairman, Public Affairs Committee, Young Women's Christian Association of Lincoln.

MRS. HAROLD A. PRINCE, Grand Island, president, Nebraska League of Women Voters; former chairman, Nebraska Board of Control; former member, National Board, Ameican Cancer Society.

FAY SMITH, M.D., Imperial physician and surgeon; president, Nebraska State Medical Association.

ROY M. WHITE, Omaha, chemist, State Department of Agriculture.

NORTH DAKOTA

ARLEY R. BJELLA, Williston, attorney; president, North Dakota State Bar Association.

PATRICK GOURNEAU, Belcourt, chairman, Turtle Mountain Advisory Committee of the Chippewa Tribe.

REVEREND JAMES W. L. KELLER, Jamestown, clergyman; Dakota District Chairman, American Lutheran Committee for Christian Social Action.

MRS. JAMES MORRIS, Fargo, coordinator, Women's Activities, North Dakoto Civil Defense Council; program chairman and past national president, American Legion Auxiliary.

HERBERT G. NILLES, Fargo, attorney; member, House of Delegates; former member, Board of Governors, American Bar Association; past president, North Dakota State Bar Association.

DR. GEORGE H. STARCHER, Grand Forks, president, University of North Dakota; member, Phi Beta Kappa.

SOUTH DAKOTA

EDWARD BELLATI, Watertown, businessman.

MRS. ISAAC H. CHASE, Rapid City, realtor, former Mayor of Rapid City.

FREDERICK R. COZAD, Martin, attorney; member, South Dakota Board of Charities and Corrections; former State's Attorney.

MRS. ROBERT L. EWART, Northville, member, Northville School Board.

HENRY M. SHULKIN, Sioux Falls, jeweler; past president, Mt. Zion Temple.

MINNESOTA

GEORGE G D.URENBERGER, Collegeville, director of athletics, St. John's University; member, State Board of Physical Education; former Diocesan president, Council of Catholic Men.

STEPHEN H. FLIGELMAN, Hopkins, personnel and public relations director, United Petroleum Gas Company; former member, Minnesota Fair Employment Practices Commission; vice chairman, Executive Committee, Minnesota-Dakotas Regional Board, Anti-Defamation League of B'nai B'rith.

DR. CLEMENS M. GRANSKOU, Northfield, president, St. Olaf College; member, Board of Publications, Evangelical Lutheran Church; past president, Association of Minnesota Colleges.

CECIL E. NEWMAN, Minneapolis, publisher and editor, Minneapolis Spokesman and St. Paul Recorder; member, Board of Trustees, National Urban League, Mayor's Council on Human Relations, Governor's Advisory Committees on Youth and Mental Health.

JOHN deJ. PEMBERTON JR., Rochester, attorney; president, Minnesota Chapter, American Civil Liberties Union.

MRS. DEMETRIUS C. SANTRIZOS, Minneapolis, public relations chairman, United Committee for Indians in Twin Cities.

REVEREND GEORGE A. SMITH, Cass Lake, Episcopal clergyman; member, Governor's Committee on Human Rights.

WASHINGTON

WILLIAM F. DEVIN, Seattle, chairman, attorney; former mayor of Seattle; former member, President's Civil Defense Advisory Council; organizer of first Seattle Civic Unity Committee.

MISS SOESTER I. ANTHON, Yakima, news editor, Yakima Morning Herald; chairman, Yakima City Planning Commission; secretary, Central Washington Fair Board.

HAROLD J. GIBSON, Seattle, vice president, International Association of Machinists.

MRS. JOHN C. REESE, Spokane, member, League of Women Voters.

CHARLES M. STOKES, Seattle, attorney; member, Wahington State Legislature; director, Seattle Boys' Club, Medina Children's Service; former member, Seattle Civic Unity Committee.

SAMUEL W. TARSHIS, Seattle, wholesale furniture dealer, president, District 4, B'nai B'rith; former member, National Commission of Anti-reformation League of B'nai B'rith.

DAVID E. WILLIAMS, Richland, attorney; member, Executive Board, State Labor Council; former member, Tri Cities Committee on Human Relations.

OREGON

CHARLES A. SPRAGUE, Salem, chairman, publisher and editor, Oregon Statesman; former Governor of Oregon.

DR. JOEL BERREMAN, Eugene, professor of sociology, University of Oregon; director, NCCJ Workshop on Intergroup Relations.

MRS. ULYSSES G. PLUMMER Jr., Portland, social worker, Catholic Services for Children; former president, Oregon Association of Colored Women.

DAVID ROBINSON, Portland, attorney; member, Portland Commission on Intergroup Relations.

MONROE M. SWEETLAND, Milwaukie, publisher and editor, Milwaukie Review; member, Oregon Senate.

UTAH

ADAM M. DUNCAN, Salt Lake City, chairman attorney. Member, Utah Legislature; Governor's Committee on Human Relations; Utah representative, American Civil Liberties Union.

DAN LOUIS BAKER, Salt Lake City, school administrator; past president, Utah Secondary Principals Association.

MRS. C. HARDIN BRANCH, Salt Lake City, organizer, League of Women Voters; chairman, Social Action Committee, Salt Lake City Council of Churches.

MRS. JOHN LEWIS, Ogden, president, Ogden District, Utah Federation of Women's Clubs; president, Utah Council of Church Women.

REVEREND STUART W. OLBRICH, Vernal, Congregationalist clergyman; former state moderator, United Church of Christ.

JAMES W. QUINN, Salt Lake City, accounting executive, Merchant Shippers Association; Diocesan lay chairman, Boy Scouts of America.

MRS. THOMAS W. RICHMOND, Salt Lake City, social worker; member, American Association of University Women; past grand officer, Order of Eastern Star.

EDWIN B. SHRIVER, Provo, retail merachant; past moderator, Congregationalist Church of Utah; chairman, Provo Civil Service Commission.

IDAHO

O. R. BAUM, Pocatello, attorney; retired District Judge.

WILLIAM S. HOLDEN, Idaho Falls, attorney; former president, Idaho Falls Chamber of Commerce.

WILLIAM F. JOHNSTON, Lewiston, managing editor, Lewiston Morning Tribune.

STERLING LARSON, Twin Falls, president, Twin Falls Business College.

HENRY GENICHI SUYEHIRA, Emmett, farmer; past president, Japanese American Citizens for Boise Valley; past commander, Emmett Post, Veterans of Foreign Wars.

NEVADA

WILLIAM P. MORGAN, Reno, chairman, retail hardware merchant; president, Reno Chamber of Commerce.

WENDELL BUNKER, Las Vegas, real estate broker.

MRS. LILLIAN COLLINS, Boulder City, real estate broker; past president, Boulder City Women's Club, Business and Professional Women's Club.

EDWIN A. ROBINSON, Ely, co-owner, Nevada Truck Line Company; director, Nevada Trucking Association.

MRS. AVERY STITSER, Winnemuca, publisher, Humboldt Star.

WOODROW WILSON, Las Vegas, treasurer, West Side Federal Credit Union; member Las Vegas Chapter, NAACP Executive Board.

MONTANA

ROBERT E. SULLIVAN, Missoula, chairman, dean, Montana State University Law School.

MRS. STEPHEN C. DeMERS, Butte, land manager, Montana Power Company; member, Montana Inter-Tribal Policy Board; vice president, Montana Committee on Human Relations.

MRS. ARTHUR F. LACY, Billings, attorney; former Hill County attorney.

T. MARK RADCLIFFE, Helena, civil engineer, Montana Aeronautics Commission.

10 1958

COMMISSION ON CIVIL RIGHTS

State Committees

Ex-Football Star Among 13 Given Rights Positions

WASHINGTON, D. C. — Two newspaper publishers, a former all - American football star, a member of the Washington State Legislature, and a recently appointed municipal judge were named to State Advisory Committees last week by the Commission on Civil Rights.

They were among 11 Negroes named on 13 State Advisory Committees during the week. These groups are appointed to study civil rights problems within their respective states and report their findings and recommendations to the Federal Commission.

A TOTAL OF 34 have been named so far. Six others have been approved and will be announced by the end of November. Similar groups are being organized in Puerto Rico, Hawaii, the District of Columbia, and the soon-to-be admitted state of Alaska.

The publishers named are W. Beverly Carter, of the Pittsburgh Courier, to the Pennsylvania Committee, and Cecil E. Newman, of the Minneapolis Spokesman, to the Minnesota group.

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MR. CARTER, vice president of the National Newspaper Publishers Association, is a director of the United Fund of Pittsburgh. Mr. Newman is publisher also of the St. Paul Recorder, a member of the Mayor's Council on Human Relations and the Governor's Advisory Committees on Youth and Mental Health.

The former gridiron star is Dr. Jerome H. Holland, president of Delaware State College at Dover. Known best by the nickname "Brud," he helped make Cornell one of the nation's outstanding teams in the late '30's. An end, he frequently ran with the ball on end-around plays.

• • •

HE IS A MEMBER of the Governor's Advisory Committee on Education, and of the Delaware Committee on Juvenile Delinquency.

The West Coast legislator is Charles M. Stokes, of Seattle, an attorney, a director of the Seattle Boys Club, a member of the Medina Children's Society, and a former member of the Seattle Civic Unity Committee.

The municipal judge is Harry Hazelwood, Jr., of Newark, a former assistant prosecutor of Essex County.

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OTHERS NAMED were: Delaware — Earl C. Jackson, of Wilmington, principal of Bancroft Secondary School, a director of the Delaware Parent-Teachers Association, and a member of the Mayor's Committee on Slum Clearance and Urban Renewal, and of the Governor's Commission on Youth Services.

Pennsylvania — William T. Coleman, Jr., of Philadelphia, attorney, a director of the NAACP Legal Education and Defense Fund and of the Philadelphia Community Chest, Inc.

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NEVADA — Woodrow Wilson, of Las Vegas, treasurer of the West Side Federal Credit Union, and a member of the Las Vegas Chapter, NAACP Executive Board.

Utah — Mrs. Thomas W. Richmond, of Salt Lake City, social worker, member of the American Association of University Women, and a past grand officer of the Order of Eastern Star.

• • •

OREGON — Mrs. Ulysses G. Plummer Jr., of Portland, social worker with the Catholic Services for Children, and former president of the Oregon Association of Colored Women.

Nebraska — Roy M. White, of Omaha, a chemist with the State Department of Agriculture.

DR. JEROME H. HOLLAND
Former All-American

Appoint Five To Race Commissions

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Others named were:

Delaware—Earl C. Jackson, of Wilmington, principal of Brancroft Secondary School, a director of the Delaware Parent-Teachers Association, and a member of the Mayor's Committee on Slum Clearance and Urban Renewal, and of the Governor's Commission on Youth Services.

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Nevada—Woodrow Wilson, of Las Vegas, treasurer of the West Side Federal Credit Union, and a member of the Las Vegas Chapter, NAACP Executive Board.

Utah—Mrs. Thomas W. Richmond, of Salt Lake City, social worker, member of the American Association of University Women, and a past grand officer of the Order of Eastern Star.

Oregon—Mrs. Ulyssess G. Plummer jr., of Portland, social worker with the Catholic Services for Children, and former president of the Oregon Association of Colored Women.

Nebraska—Roy M. White, of Omaha, a chemist with the State Department of Agriculture.

10 1958

Civil Rights Commission Link Uncertain

MIA Leader Admits Probe Of Negro Voting

A Negro leader said today several members of his race who have been denied registration as voters have been questioned recently by federal agents.

But Rufus Lewis said he doesn't know whether they were investigators for the Civil Rights Commission.

The commission announced in Washington Wednesday that it had ordered investigations of Negro voting complaints in Alabama, Florida and Mississippi.

It said investigators were already at work in one of the states, but declined to say which one. Neither would the commission say which localities in the three states were chosen for the inquiries.

Lewis, chairman of the registration and voting committee of the Montgomery Improvement Assn., a Negro organization, said "two or three" Negroes who had been turned down as voters telephoned him they had been questioned "by federal agents in the past few weeks."

The MIA leader also said Montgomery Negroes had filed complaints with fedeal authorities about voting conditions, but declined to say which agency.

He said no complaints have been made "recently — in the past three or four weeks" that he knows of, but that some were filed before that.

Lewis said the complaints were made by individuals rather than by the MIA committee which he heads. He said they probably asked for a federal investigation, but that he isn't certain of that.

Mrs. C. B. Willis, chairman of the Montgomery County Board of Registrars, said she knows nothing of any investigators questioning Negroes, and that none have been to her office.

Similar comment came from Circuit Solicitor William F. Thetford. He said also that no suits have been filed in state court "as provided by Alabama law for anyone who is denied registration."

Atty. Gen. John Patterson, the Democratic nominee for governor, made the same observation yesterday in commenting on the Civil Rights Commission's announcement.

FBI agents investigated the complaints of several Montgomery Negroes two years ago, but U. S. District Atty. Hartwell Davis said later he could find no basis for prosecution.

Mrs. Willis insisted that the Board of Registrars has treated all applicants alike, white or colored."

Negroes have complained in the past that the pace of registration was too slow and that only a few applications were taken each day the board was in session.

They protested, too, that they were required to wait until the next registration session to try again if their applications were rejected.

The board chairman said the rules were applied to prospective new white voters.

CIVIL RIGHTS COMMISSION

NEGRO VOTING
ALABAMA, FLORIDA AND MISSISSIPPI

Vote, Not Schools Rights Unit Job

WASHINGTON — (INS) — Chairman John Hannah of the President's Civil Rights commission said Tuesday the group has no intention of investigating school segregation disputes such as the one in Little Rock, Ark.

Hannah made the statement before the Senate Judi-

ciary committee which heard testimony from all five men appointed by President Eisenhower to the commission.

Hannah, President of Michigan State University, said that the commission, set up last year by new civil rights laws, will not be used as an investigative "pool" for the Justice Department.

He told newsmen after the hearing that the committee lacks authority to force school integration. He added that it has "no intentions" of investigating Little Rock-type situations.

Committee Counsel Robert Young maintained, however, that the civil rights bill would "require you to investigate Little Rock using your subpoena powers and holding open hearings."

Rev. Theodore Hesburgh, president of Notre Dame university said, "It seems unlikely" the body would get involved in a conflict similar to the Little Rock dispute unless called in by "higher authority."

But, Sen. John L. McClellan (D) Ark., contended that no higher authority has the right to call in the commission.

Hannah and Hesburgh both emphasized that the committee's number one job was to probe right-to vote cases and to gather information on denials of civil liberties.

All Civil Rights Members OK'd

WASHINGTON, March 4 (AP)— All six members of the Civil Rights Commission were confirmed by the Senate today, with but little stir.

After the voice vote of approval, Sens. Talmadge (D., Ga.) and Thurmond (D., S. C.) spoke briefly. Both said the commission was unnecessary and unwise.

Sen. Lyndon Johnson (D., Tex.) praised one of the members, Dean Robert G. Storey of the Law School at Southern Methodist University.

The members in addition to Storey are: Chairman John A. Hannah, president of Michigan State University; former Gov. John S. Battle of Virginia; J. Ernest Wilkins, a Chicago Negro who is an assistant secretary of labor; Doyle E. Carlton, former governor of Florida, and the Rev. Theodore M. Hesburgh, president of the University of Notre Dame.

RIGHTS GROUP MEMBERS OK'D

Little Stir as Senate Confirms All Six

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Sen. Lyndon Johnson (D-Tex) praised one of the members, Dean Robert G. Storey of the law school at Southern Methodist University. There was no discussion of the others.

Today's nerenity was in sharp contrast with the debate last year which marked passage of the new civil rights law under which the commission will operate.

The law directs the commission to investigate sworn charges of the denial of voting rights and to study federal laws and practices relating to civil rights generally. It was sought mainly by persons who complained Negroes' rights were being violated in the South. The commission has until September, 1959, to make its over-all report.

The members, in addition to Storey, are: Chairman John A. Hannah, president of Michigan State University; former Gov. John S. Battle of Virginia; J. Ernest Wilkins, a Chicago Negro who is an assistant secretary of labor; Doyle E. Carlton, former governor of Florida, and the Rev. Theodore M. Heburg, president of the University of Notre Dame.

HEADLINE PERSONALITY

Civil Rights Director Expects Headaches

The staff directorship of the Civil Rights Commission is an admitted hot spot which figures to produce one headache for each dollar of the $22,500 it pays.

Gordon Tiffany, slim, quietly humorous, 45-year-old appointee to the job, knows this. And it holds no terrors for him.

"I know I'm going to be ridden plenty before this is over," he remarks. But, he indicates, even if the expected criticism is neither civil nor right, he'll carry on like the good sailor he was in World War II.

Mr. Tiffany is rather used to tough jobs. In the depression 30s he had the temerity to work his way through an Ivy League university as a dish washer and newspaper subscription peddler.

Retains Sense of Humor

If having to work while more fortunate Yale students gaily were driving off to the Big Game brought any pangs, he didn't let it interfere with either his good humor or his educational objectives. "I've never envied anyone lucky enough to have it," he says simply and believably.

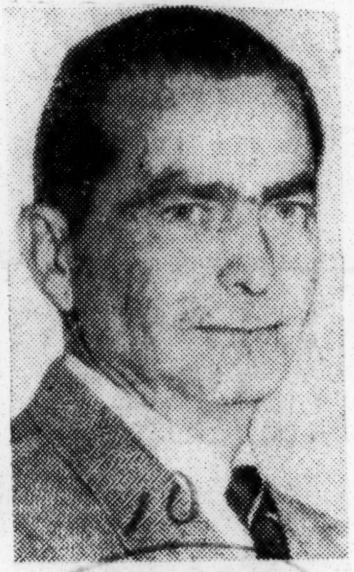
His somewhat handsome face is rather deeply lined for his years. Perhaps the death of his father, a civil engineer, when he was four years old made him grow up faster than many other boys. Whatever it was, he gives the impression of having achieved maturity and understanding early in life.

After finishing Yale, he worked his way through Columbia University Law School. There followed four years of private practice before he entered the Navy in 1943. He served as a lieutenant on patrol craft escort vessels, seeing action in the South Pacific.

Was Adams Official

At one time, Mr. Tiffany served as attorney general of New Hampshire under the then Gov. Sherman Adams.

While he says he doesn't like to see "bad law in any respect," violations of civil rights disturb him more deeply than do most other offenses.



GORDON TIFFANY

"If we lose the dignity of the individual in the courts, where can we make it up?" is his irrefutable argument.

But he does not appear to be the type to see civil rights violations behind every tree.

The job of the commission is not to be done in a "spirit of animosity," as he see it. He suspects the results oftimes will be "unhappy to extremists of both sides."

Wants No 'Buildup'

While he appears quietly self-confident, there is still an air of humility about him manifested as he stresses the importance of good press relations and liaison with the public. Then, too, "don't try to build up my Navy record into something heroic," he admonishes.

He talked patiently with reporters in his office at 726 Jackson place while in the Senate Office Building a Senator waited overtime for him and his wife, Ellen. The Senator was to take them to a gathering of Yale grads.

"It's a good idea to meet Yale people in the Senate before they decide to throw axes," Mr. Tiffany grinned.

Axes may be thrown It is a safe bet that he'll catch them if he can but not squawk if he can't.

Rights Group Charts Course

By Richard L. Lyons

The Civil Rights Commission "approved in principle" an organizational chart yesterday which shows the sort of staff it plans and the direction it expects its work will take.

The Commission's assignment spelled out in the 1957 Civil Rights Act is to investigate sworn complaints that voting rights have been violated because of race, study legal developments that deprive persons of equal protection of the laws and appraise the adequacy of existing civil rights legislation.

As it looked yesterday, the Commission's staff will be split into five sections working undre Staff Director George M. Tiffany and a deputy director still be be appointed. The sections are:

- Reports and analysis, the front office public contact of about a dozen employes who would receive and answer all communications including complaints and channel them to the experts.
- Survey, the field men who would investigate complaints and other matters the Commission may deal with. The tentative plan is to have five 3-man teams with a lawyer and two legman in each.
- Legal, a dozen or so lawyers including six who would be legal assistants to each of the Commissioners. They would check complaints to determine whether voting laws had been violated and would make the studies of the adequacy of existing laws and developments depriving persons of rights.
- Secretraiat, a liaison group of two or three persons maintaining contact between the Commission, staff, citizens advisory groups and special consultants.
- Planning and research, a group of perhaps a dozen students of the civil rights problem, probably educators, who would study areas in which the Commission could make a contribution and get people around the country interested in helping.

Tiffany had drawn up the outlines for the first four sections before the meeting. The Commission added the planning group. Chairman John A. Hannah believes that the greatest contribution the Commission can make in its 18 months of life is not investigations and recommendations but helping create a climate in which local groups will discuss and try to solve their own problems. He counts heavily on local citizens' committees to start this.

The Commission hopes the Civil Service Commission will approve starting pay of about $12,000 for its section chiefs. Like the Commission members, the staff will include Norterners and Southerners and white and Negro persons, said Tiffany. Tiffany, a New Hampshire Republican, is looking for a Southern Democrat to be his deputy.

The Commission still hasn't got off the ground so far as any real work is concerned. This is partly because the Senate hasn't yet confirmed Tiffany. Until it does, he will be here on a part-time basis as a $50-a-day consultant. Also, no elections have been held lately to give the Commission any voting violations to investigate. President Eisenhower did not appoint Tiffany until last month. The Commission did not want to hire any staff members until the staff chief was on the job.

Hannah and Tiffany will go before the House Appropriations Committee Tuesday to try to justify the Commission's $750,000 budget request for the year starting July 1. The Committee left it out of a money bill last month because the Commisison had no firm plans.

Rights Agency Reveals Plans

House Finance Unit Suggests Commission Get Full $750,000

By Washington Correspondent

WASHINGTON (Special)—The Civil Rights Commission, which will meet "rather infrequently" according to its chairman, will operate with about 73 employes scattered over five divisions, it was said in testimony taken in secret session by the House Appropriations Committee.

The committee made public the testimony today as it recommended that Congress appropriate for the commission the full $750,000 asked by it to finance its operations in the year beginning July 1. The committee, however, refused to recommend that $200,000 allocated to the commission by President Eisenhower from his emergency funds be restored to the White House purse through a covering appropriation. The money is financing the commission until July 1.

Dr. John R. Hannah, president of Michigan State University and chairman of the six - member commission, told the appropriations committee that the long-stalled commission could be in full swing by May 15, and would operate until then at "half capacity."

The commission's life expires, by law, 60 days after September, 1959, on which date it must file its report with Congress. Thus far, the commission has had five meetings and now plans to meet on the fourth Saturday of every month, Dr. Hannah said.

Hannah said that the commission itself will conduct a "policy-formulating operation," and that its real work will be carried out under the direction of Gordon Tiffany, former New Hampshire Attorney general and crony of presidential assistant Sherman Adams. Tiffany has been nominated to be the commission's $22,500 a year staff director.

Dr. Hannah said the commission had been slow to get off the ground, due to Eisenhower's delay in naming the membership, but that it now is under way on a good basis.

Hannah said the commission already is getting some complaints — he did not know how many — and that these and others filed with the body will be investigated by it on its own initiative and with its own facilities. He said the cases would not be referred to the Justice Department.

Tiffany, too, told the committee in a "clear and unequivocal answer" that if the commission should take testimony from witnesses under subpoena, "we would take it for our own purposes, and we would not consider ourselves a tool of any other agency."

Hannah said the commission would have a secretariat and liaison office, a research and planning division, a survey division a legal division, and a reports and an analysis division.

Civil Rights Commission Sets Course

Special to Journal and Guide

WASHINGTON — The Federal Civil Rights Commission has "approved in principle" an organizational chart, reflecting the course of action for the future and the type of staff it expects to do the job. It now must wait for Congress to appropriate funds for its operation.

According to plans announced by the commission, the staff will be split into five sections working under Staff Director George M. Tiffany and a deputy director yet to be appointed. Staff members will include both colored and white persons from both the North and the South. The sections are:

- Reports and analysis, the front office public contact of about a dozen employees who would receive and answer all communications including complaints and channel them to the experts.
- Survey, the field men who would investigate complaints and other matters the stores would state that they were willing to go along with the idea of merit hiring. No store has expressed such a willingness, he said.

Commissioner Robert McLaughlin and Commissioner Karrick called in representatives of the Equal Opportunities group for conference after talking with the stores groups. After this session, Rev. Mr. Jackson said there had been no indication that the stores "would concede anything...we couldn't withdraw with nothing."

* * *

COMMISSIONER McLaughlin suggested that the ban be called off and the issue be turned over to the yet - to - be formed Commissioners' Council on Human Relations.

The Equal Opportunities committee rejected this idea, protesting that this would be "resting the matter in the hands of an unborn baby."

* * *

REV. MR. Jackson said that Sunday's appeal from the pulpits was not aimed at diverting business permanently from stores. "I've told my people to do all the shopping they want to on Wednesday or Friday.

This is not a punitive measure," the minister said. "It is really an instructive one. . . We want to show them we have purchasing power . . . and get them to see that the Negro wants a better break in employment."

A dozen churches will be open at 1 p. m. and 8 p. m. Thursday as prayer centers for the success of the protest, Rev. Mr. Jackson said

SOUTH DEFEATED ON RIGHTS FUNDS

House Checks Bid to Block $750,000 for New Agency —Final Vote Today

Special to The New York Times.

WASHINGTON, March 31—A Southern move to deprive the new Civil Rights Commission of operating funds was beaten tentatively in the House of Representatives today. A final vote will betaken tomorrow.

At issue was a $750,000 outlay for running the commission through the fiscal year starting next July 1. The Appropriatoins Committee first withheld a recommendation for the funds on technical grounds. Then it reconsidered and offered an amendment to provide the money.

Opposition arose from the South. On the first vote, taken by voice, it appeared that the funds had been denied. A standing vote then was taken. This indicated 67 for the appropriation and 44 against.

A call for tellers was made, meaning a vote by which members walked through official counters. The result was 105 for the funds and 65 against.

Later the South demanded a roll-call to include all members of the House. However, there were several absentees as members looked forward to the Easter recess starting next Thursday.

Leaders agreed not to hold a roll-call and put off the final decision until tomorrow.

It was expected that the commission would receive the funds, which had been paid so far out of the President's emergency fund. The emergency fund is running low, however, and the commission must depend on appropriations to continue to function.

In the debate, supporters of the commission charged an attempt to "starve" it out of being.

They emphasized that it would be a fact-finding body with no enforcement powers; that it had been created by Congressional majority vote and should not be put out of business by the denial of operating funds.

Meanwhile, a Senate Judiciary subcommittee postponed until next Wednesday a hearing on the nomination of Gordon M. Tiffany of New Hampshire as staff director of the commission.

Eastland's Committee Delays Confirmation Of Rights Director

BY ALICE A. DUNNIGAN

WASHINGTON — (ANP) — Action on the confirmation of Gordon Tiffany as director of the President's Commission on Civil Rights was delayed again this week by the Senate Judiciary committee, chaired by Senator Eastland of Mississippi.

At the close of an executive session Monday, the chairman announced that postponement was requested by Senator Olan Johnston of South Carolina. The request came in spite of Dr. John A. Hannah's blast upon the Senate committee for using "dilatory tactics" to prolong the confirmation.

Hampers Work Of Commission

In Washington Saturday to attend a meeting of the commission, Dr. Hannah told newsmen that the delay in confirming the director has had an "adverse effect" upon the work of the commission. He pointed out that the naming of key staff personnel has been held up as a result and that the commission has avoided making certain moves because it did not want "to attract any disfavor" pending confirmation.

Tiffany declined an invitation to attend a conference on voting restrictions in the southern states held here Sunday on the ground that he had not been confirmed. And attending such a conference in an official capacity would be presumptuous and premature on his part, he said. He did receive, however, reports on voting irregularities from seven southern states presented at the commission headquarters Monday morning.

Tiffany is acting as a $50-a-day consultant for the commission pending his confirmation to the $22,500 per year job. He was nominated for this position by President Eisenhower on February 18. The six members of the Commission were sworn in at the White House on January 3, but were not confirmed by the Senate until a month later.

The house delayed action on $750,000 appropriation to operate the commission until after the director was appointed. The commission had been alloted $200,000 from the President's Emergency Fund to operate until Congress approved the required appropriation.

Under terms of the act passed last September, the life of the Commission is due to expire in November, 1959. Unless some action is taken fast it will have little time to evaluate complaints of voting rights violations and to weigh federal laws and policies in this field, as they are required to do.

"Backlog Of Complaints"

It already has a backlog of complaints piled up but processing and investigation of these have been hampered because of the uncertainty of the confirmation of the director.

Following its week-end meeting the commission announced that it would not accept voting complaints after June 1, 1959, and that it would not look into violations which occurred prior to January 1, 1956.

It also decided to create citizens' advisory committees in each state to help the commission assess the civil rights picture across the nation. Although such procedure appears to be throwing the problem right back into the laps of the states, which are themselves the culprits, the commission feels that local committees could serve as its eyes and ears in receiving complaints and passing them on to the federal commission.

The commission further suggested that local communities should set up their own commissions to discuss and try to solve their own racial problems.

Civil Rights Unit In Each State Voted

Commission Okays Grass Roots Sound Boards For Probes

WASHINGTON (AP) — The Civil Rights Commission voted unanimously Saturday to set up grass roots sounding boards in every state.

The advisory committees will make recommendations to the commission on civil rights matters and give their opinions on interim and final reports of the commission.

State committees are expected to be formed within six weeks in Michigan, Texas, Illinois, Virginia and Indiana—home states of Civil Rights Commission members — and in New Hampshre, home state of Gordon M. Tiffany, nominated to be the commission's staff director.

DELAY SCORED

Before the commission met, Dr. John A. Hannah, chairman, told a newsman tactics of the Senate Judiciary Committee have handcuffed commission operations. He was referring specifically to the delay in confirming Tiffany, former New Hampshire attorney general, to the $22,500 staff director post.

But Dr. Hannah said he understood Tiffany's approval was imminent and that Tiffany's name would be placed on the Senate consent calendar Monday. If that happens, confirmation would be automatic unless one member of the Senate objects. Tiffany has been acting as a consultant.

The staff director will have a key role in commission activities and will be a full-time employe.

Appointments of top staff members are expected to be announced shortly after action on the director's confirmation.

The state committees will have five to nine members who will get no pay but will be allowed expenses.

After committees have been formed in the intail group of seven states, a time table will be set up for establishing groups in the remainder of the states and possessions and in Puerto Rico.

PERIOD LIMITED

The commission decided the period of focus for complaints on voting rights and voting procedures will be limited to the span from the fall elections, of 1958 to June 1, 1959. The commission must present its final report to Congress and the President in September 1959.

The bipartisan commission was established last fall by Congress to investigate sworn charges of the denial of voting rights because of race, creed or color, and of studying laws and practices, relating to civil rights in general. Nominations of the commissioners already have been confirmed by the senate.

Civil Rights Group Is at Standstill

Lacks Director; Senators Blamed

WASHINGTON, May 3 (AP)— Stuck on dead center, paralyzed, the Civil Rights Commission has only sixteen months of its two-year life left. Its performance so far: zero. In short, eight months have passed with no action.

There are several reasons for this, but the principal one is the slowdown inflicted by the Senate Judiciary Committee. That group is headed by Sen. James O. Eastland, D., Miss., prime foe of the commission idea in the first place.

The six-man commission itself expects to meet once a month or so. Its work has to be done by its staff director. But before he can operate he must be approved by the committee and then the full Senate.

The committee hasn't acted on him, although it's had more than two months to do so, and may not for several more weeks. He'll be lucky if he's in business by June 1. Meanwhile, the more the delay, the less work the commission can do.

Timetable of Events

A timetable shows what happened:

Last summer after a bitter fight, with Southern Democrats in opposition, Congress passed the first civil rights legislation in the twentieth century. It voted to create the commission which would investigate complaints that citizens were being deprived of their voting rights; study laws and practices relating to civil rights in general; hold hearings any place in connection with its work, and make recommendations to Congress.

The commission's two-year life started from the moment President Eisenhower signed the legislation Sept. 9. First Mr. Eisenhower had to find people to serve on the commission.

Six Appointed

On Nov. 11, during the Congressional recess, Mr. Eisenhower appointed the six members, with former Supreme Court Justice Stanley Reed as chairman. But Mr. Reed changed his mind about serving. He resigned Dec. 3, just before the commission's first scheduled meeting.

Twenty days later, Dec. 23 Mr. Eisenhower chose as chairman Dr. John A. Hannah, president of Michigan State University. The six commissioners—three Northerners and three Southerners—were sworn in Jan. 3. But they didn't get Senate approval until March 4.

Because they were named before Congress convened, they could serve before being confirmed, but first they had to find a director. They finally agreed on Gordon M. Tiffany, former New Hampshire Attorney General. But while he awaits confirmation he is serving only with the title of consultant at a salary of $50 a day, not the $22,500 a year provided for the director.

Needs a Staff of 70

President Eisenhower sent his nomination to Congress Feb. 20. His work, and the commission's task, are of necessity tied up until he gets committee and Senate approval.

He will need a staff of seventy people. So far only five have been hired: Mr. Tiffany, three secretaries, and a secretary to the commission. The commission has offices. And it has a blueprint of how it will divide up its staff work, when it finally can start employing a staff.

Meanwhile, the expenses of the commission for the rest of this fiscal year, which ends June 30, will come out of $200,000 provided from Mr. Eisenhower's emergency fund.

For the fiscal year starting July 1 the commission has asked Congress for $750,000. The House has approved but not the Senate—yet.

Tiffany asks $750,000 for rights unit operation

WASHINGTON

(NNPA) — Still unconfirmed after three months of delay, Gordon M. Tiffany, nominee for staff director of the Civil Rights Commission, appeared Monday before the Senate Independent Offices and General Government Appropriations subcommittee to urge appropriation of $750,000 for the commission for the fiscal year beginning July 1.

Earlier in the day, the Senate Judiciary Committee again failed to act on his nomination. Sen. James O. Eastland, (D.-Miss.) committee chairman, said action was again postponed for a week at the request of Sen. Olin D. Johnston, (D.-S.C.)

* * *

SEN. CHARLES E. Potter, (R., Mich.), a subcommittee member, questioned Mr. Tiffany about his statement that any person requesting a transcript of commission hearings must obtain permission from the commission to possess it.

Mr. Tiffany replied that the Civil Rights Act of 1957 requires the commission to hold executive sessions and then determine whether to make public the closed-door hearings.

Senator Potter said he hoped that the commission would "lean over backwards" to see that as much of its records as possible is made public in or-

Tiffany Wins Despite Sen. Eastland

WASHINGTON — (INS) — The Senate Judiciary Committee Monday approved President Eisenhower's nomination of Gordon McLean Tiffany for staff director of the Civil Rights commission.

Appointment of the former New Hampshire Attorney General to the $22,500 post is subject to Senate confirmation.

Committee Chairman James Eastland (D.) Miss., said he voted against Tiffany but the final balloting would not be made public until several absentees had an opportunity to vote.

Andrews Balks Rights Funds

WASHINGTON, Feb. 10 (AP)—Rep. George Andrews, of Alabama's Third District, today told reporters a bill for funds for the new Civil Rights Commission would remain "up in the air like Sputnik" until his subcommittee gets justification for a money request.

The House, in an obvious move to force speedy organization of the commission, put off acting on the funds bill.

The appropriations subcommittee headed by Andrews deferred considering a request by President Eisenhower for an additional $750,000 civil rights proponents hoped to add to the $14,808,870 appropriated for the committee.

QUALIFIED WITNESSES

The request for the additional $750,000 was passed over on the grounds that no qualified witnesses were available to justify the extra financing.

The initial appropriation is mostly earmarked for financing the executive office of the President for the fiscal year beginning July 1.

An 85-67 standing vote to delay action on the bill came after two hours of debate.

Dixiecrats delay civil rights action

WASHINGTON

Delaying tactics of Southern Democrats, headed by Sen. James O. Eastland of Mississippi, have successfully stalled the Civil Commission for eight months.

With only 16 months of its two - year life left, the Commission, to date, has done nothing.

Last week the Senate Judiciary Committee confirmed the nomination of Gordon M. Tiffany as staff director of the Commission. Now his nomination will have to be confirmed by the full Senate.

Capitol Hill observers expect this confirmation to be made within the week.

Meanwhile, more delay.

* * *

TIFFANY and his six - man commission will be lucky if they are in business by June 1.

The Dixiecrats have been successful in paralyzing the Commission until after primary elections.

A timetable of events graphically shows what has happened to the Commission.

Last summer, after a bitter fight, with southern Democrats in opposition, Congress passed the first civil rights legislation in the twentieth century.

It voted to create the commission which would investigate complaints that citizens were being deprived of their voting rights; study laws and practices relating to civil rights in general; hold hearings any place in connection with its work, and make recommendations to Congress.

The Commission's two year life started from the moment President Eisenhower signed the legislation September 9.

On Nov. 11, during the Congressional recess, Mr. Eisenhower appointed the six members, with former Supreme Court Justice Stanley Reed as chairman. On December 3, Mr. Reed resigned after changing his mind about serving.

Twenty days later, Dec. 23, the President chose as chairman, Dr. John A. Hannah, president of Michigan State University.

On January 3, the six commissioners — three southerners and three northerners — were sworn in. But they didn't get Senate approval until March 4.

Now the Commission needed a staff director. They finally agreed on Gordon M. Tiffany, former New Hampshire attorney general.

The Senate Judiciary Commission confirmed Tiffany last week, but he still awaits confirmation by the full Senate.

Meanwhile, the complaints of civil rights violations pile up. Tiffany, serving with the title of consultant at $50 a day, is laying the ground work for his investigations. His salary of $22,500 a year, will begin when he is confirmed by the full Senate.

Tiffany will need a staff of 70. So far only five have been hired: Mr. Tiffany, three secretaries, and a secretary to the commission.

Expenses are being met out of $200,000 provided from Mr. Eisenhower's emergency fund. For the fiscal year starting July 1 the commission has asked Congress for $750,000.

The House has approved the request, but the Senate, acting with its usual speed in civil rights matters, has not.

Nomination Of Rights Group Head Appears Slated For OK

WASHINGTON (AP) — Gordon M. Tiffany's nomination to be staff director of the new Civil Rights Commission appears headed for Senate approval soon.

Sens. Ervin (D-NC) and Olin D. Johnston (D-SC) said they had decided against trying to block Tiffany's confirmation for the $22,500-a-year job.

They explained in separate interviews that they felt further delays in getting the commission into operation would only intensify demands next year for extending its life.

Tiffany's nomination, submitted by President Eisenhower on Feb. 20, was approved by a Senate Judiciary subcommittee 5-2 after a hearing on April 2.

A meeting of the full Judiciary Committee has been scheduled for Monday and Chairman Eastland (D-Miss) said that the nomination of the former New Hampshire attorney general in on the agenda.

Ervin and Johnston, who voted against confirmation in the subcommittee, said they expect the full committee to approve the nomination despite their opposition. This would open the way for Senate confirmation a day or two later.

The six-member Civil Rights Commission was created by Congress last year in passing the civil rights bill. Its job is to investigate violations of voting rights and to study laws and practices relating to civil rights in general.

It has until Sept. 9, 1959, or two years from the day Eisenhower signed the act, to complete its work. However, Southern Democrats who fought passage of the legislation anticipate demands next year to extend the commission's life.

Various difficulties have prevented the commission from getting started, although the six commission members, three Southerners and three Northerners, have been confirmed by the Senate.

Tiffany, unlike the commission members, is to be a full-time employe but has been unable to take office until the Senate confirms his nomination.

Another nomination awaiting Judiciary Committee action, is that of W. Wilson White to be an assistant attorney general in charge of a new Civil Rights Di-

vision in the Justice Department. He has run into sharp opposition from Southern Democrats because of his defense of Eisenhower's use of troops last September to enforce a court order for school integration in Little Rock, Ark.

10 1958

ROLL CALL VOTE GIVES HUGE FUNDS FOR YEAR

Daily World P 1

By LOUIS LAUTIER

WASHINGTON, D. C. — (NNPA) — The House, by a vote of 272 to 98, gave final approval to the amendment providing $750,000 for the Civil Rights Commission for the fiscal year beginning July 1.

A separate roll-call vote on the amendment had been demanded by Representative George W. Andrews, Democrat, of Alabama, chairman of the House General Government Matters subcommittee, after the House had tentatively adopted the amendment on a teller vote of 105 to 65.

Both the roll-call vote Tuesday and the teller vote were largely along sectional lines, but a few southerners voted for the appropriation and a few northerners voted against it.

Until the new fiscal year begins, the Commission will operate on an allocation of $200,000 (two hundred thousand dollars) made Jan. 3 from the President's emergency fund for national defense. Out of that sum, the Commission through March 25 had incurred an obligation of $26,004 (twenty-six thousand four dollars).

The allocation from the President's fund is regarded as ample for the remainder of the current fiscal year.

Representative Louis Rabau, Democrat, of Michigan, offered the committee amendment to appropriate the sum of $750,000 (seven hundred fifty thousand dollars) for the Commission—the full amount requested by the Budget Bureau for the next fiscal year.

Andrews told the House that he was "unalterably opposed" to the appropriation.

Another subcommittee member, Representative J. Vaughan Gary, Democrat, of Virginia, also opposed the amendment.

"I do not believe a Commission of this nature will accomplish anything whatever," Gary told the House.

He said Virginians were "very happy" that their former Governor, John S. Battle, was appointed to the Commission "but I do not believe that anybody in the country could improve the Commission by serving on it."

He added that the Commission "has no proper federal function to perform" and called the appropriation "a wasteful and improper expenditure of taxpayers' funds."

Representative John Taber, of New York, ranking Republican member of the full Appropriations Committee, supported the amendment.

He told the House he was satisfied that the six members of the Commission will perform their duties in such a way as to "lessen tensions" between white and colored people and "between the people of this country."

For that reason, said Mr. Taber, "I believe we should supply them with the funds they need to operate with, and do it gracefully."

He added that it would be "a mistake if we decide that we are not going to do everything possible to get this situation (civil rights) straightened out. Every backward move we make is going to make the whole situation more disturbed."

Representative Kenneth Keating, Republican, of New York, one of the leaders in the fight to pass the Civil Rights Act of 1957, told the House that "a vote against this amendment is a vote to kill this important feature of the Civil Rights Act."

Daily World P 1

Others who supported the amendment were Representatives Ivor D. Fenton, Republican, of Pennsylvania, and John F. Shelley, Democrat, of California.

Opposing the amendment, Representative Robert W. Hemphill, Democrat, of South Carolina, said he had talked with some of the people whom the Civil Rights Act was "supposed" to benefit and they told him "they are not so much interested in political civil rights as they are in bread and meat because of the economic situation."

Also supporting the amendment were Rep. Barrett O'Hara of Illinois, Charles A. Vanik of Ohio, and Clair Engle of California, Democrats.

A standing vote on the amendment was 67 to 44. Andrews demanded a teller vote. The teller vote was 105 to 65.

CIVIL RIGHTS COMMISSION

PRESIDENT ANSWERS "RIGHTS" QUERIES

By LOUIS LAUTIER

WASHINGTON, D. C. — (NNPA) — Although he had great hopes for the Civil Rights Commission, problems of race relations are not going to be solved finally until there is understanding and reason, President Eisenhower declared Wednesday.

The President's statement, made at his news conference, was similar to those he had made before he sent Federal troops to Little Rock to enforce a federal court order for desegregation of Central High School there.

His statement was made in reply to a question of whether the Administration intended to lead or follow in the field of civil rights.

The text of the question and answer follows:

Daily Worker 4-5-58 Birmingham Ala

Q. Mr. President, another domestic question.

Little Rock is still unsolved. There are responsible reports indicating indeed, that the basic issues are more embittered and in a worse state of ferment than they have been before.

Your Civil Rights Commission exists but it hasn't really got its work off the ground and hasn't really got a budget of its own.

Do such things indicate an inclination on the part of the Administration to follow rather than lead these civil rights problems to a decision, or, on the other hand, do you have in mind some intensification of pressure on the part of the Federal Government?

SOLUTION BY REASON

President Eisenhower. Well, now, just a minute.

Intensification of federal activity can mean many things, and certainly I would not—I would have to know exactly the details of every question, exactly what you were proposing before I would believe it to be legal and proper and desirable.

Now I have preached, since the day I came to this office, and long before, that we are going to sell—going to solve some of these great internal social problems of the United States of America by reason, education, by tolerance of the other fellow's views.

I do not believe that all of these problems can be solved just by a new law, or something that someone says, with teeth in it.

Now, for example, when we got into the Little Rock thing, it was not my province to talk about segregation or desegregation. I had the job of supporting a federal court that had issued a proper order under the Constitution, and where compliance was prevented by action that was unlawful.

Now, I had to do that which is an entirely different thing from any starting out new methods for, or new laws attacking this basic problem which I again say is not going to be solved finally until it is done by understanding and reason.

Now, on the other hand, with due respect to your reference to the Commission, surely it has had a hard time getting off the ground, and we had to give it, you might say, a loaned budget, but I have great hopes for what it will do in both these fields, watching and seeing what are the legal difficulties that occur, as well as what can be done in helping to get things done in the, what you might call, the educational and even, indeed, the spiritual field.

Civil-Rights Chief Partially Passes

Ike's Choice Gets by Senate Group After Close Quizzing by Southerner

Washington, April 2 (AP)—The new Civil Rights Commission inched closer to full operation Wednesday when a Senate judiciary subcommittee approved Gordon M. Tiffany for the key job of commission staff director.

President Eisenhower's nomination of the New Hampshire Republican still faces a tortuous course, however, before it can be considered by the Senate. It first must clear the full Judiciary Committee, dominated by foes of civil rights legislation.

Tiffany told newsmen the commission would not get into full operation until the Senate acts on his appointment to the $22,500-a-year job.

Daily Worker 4-5-58 Birmingham Ala

The commission's assignment is to investigate sworn charges of denial of voting rights because of race, creed, or color, and to study the whole field of federal jurisdiction in civil-rights matters. It was created by the 1957 Civil Rights Law a must complete its work by September, 1959.

Public Hearing Held

The judiciary subcommittee on constitutional rights approved Tiffany's nomination 5 to 2 after a public hearing.

Senator Ervin (D., N. C.), the only Southern senator at the hearing, questioned Tiffany closely about his "philosophy."

In reply to one inquiry by Ervin about use of troops to enforce court orders for school integration, Tiffany said force should be invoked "only as a very last resort."

Tiffany also said he hoped the commission could do its job without ever resorting to subpoenas.

Stresses Job Is Inquiry

He told Ervin the commission is "not concerned in the slightest with enforcement or prosecution," that its job is one of inquiry.

The nominee said, "We do not intend to put on blinders and direct our attention to any one section of the country." He said there probably are subjects for inquiry in every state.

Ervin said he was glad to hear this, saying he had seen more segregation practiced in Harlem and Chicago than in his own state, North Carolina.

Ervin said he didn't know enough about Tiffany and also was "disappointed" that Tiffany had "defended the use of force even as a last resort."

Civil Rights Advocate

Gordon McLean Tiffany

Special to The New York Times.

CONCORD, N. H., April 2—In the six weeks since he was nominated to be staff director of the new Federal Civil Rights Commission, Gordon MacLean Tiffany has been commuting between here and Washington as a $50-a-day consultant to the commission.

Man in the News

But until he completed his duties as a member of the New Hampshire Legislature, at a special session in February, Mr. Tiffany stayed on the pob here in the Capitol. It is typical of his carreer as a lawyer for him to stay with a problem until it is finished, say his associates.

Today he appeared in Washington before the Senate's Subcommittee on Constitutional Rights, which then approved his nomination. No witnesses opposed him. He had the full and enthusiastic support of New Hampshire's Republican Senators, Styles Bridges and Norris Cotton.

Mr. Tiffany, former Attorney General of New Hampshire, already has made it clear that he has no intention of being caught in the whirlpool of Washington politics. He is a close political associate and friend of Sherman Adams, the Assistant to the President.

Tiffany's View of Job

As he sees it, Mr. Tiffany's role on the commission will be that of a coordinator rather than a policy-maker. The commission will make the the policy as a fact-finding body that will pay particular attention to voting rights.

"A large part of my job," said Mr. Tiffany the other day, "will be directing the survey."

Mr. Tiffany told one interviewer in Concord that he first had heard about his appointment from Mr. Adams. But he said that his name first had come up before the commission through his memberhsip on the Board of Managers of the Council of State Government.

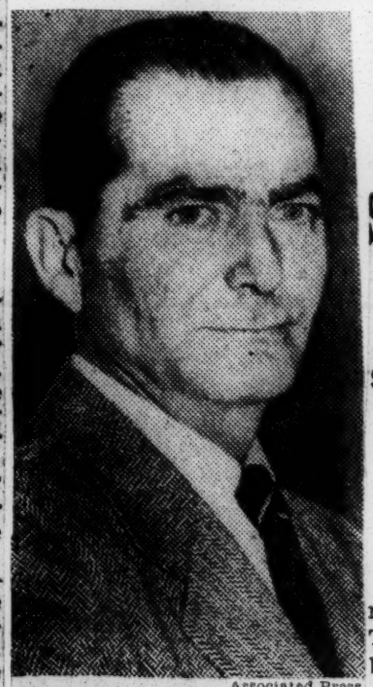
Although Mr. Tiffany has never hesitated to take an unpopular side in controversial matters, he is personally popular in the state he "adopted" after World War II.

In appearance, Mr. Tiffany's tall, spare build and heavy eyebrows remind one of the late John G. Winant, a former New Hampshire Governor. Both men became Granite staters more or less by osmosis. They were born in New York, but were accepted as "typical Yankees."

As befits his Westchester County background, Mr. Tiffany leans somewhat to a conservative Ivy League style of dress. He frequently wears a double-breasted grey flannel suit with a pin stripe.

Mr. Tiffany was born on Dec. 13, 1912, in Port Chester, N. Y. The Tiffanys also had a summer home in Weare, N. H., about nine miles southwest of here. And Concord had exerted a growing magnetism on Mr. Tiffany ever since boyhood.

Mr. Tiffany still owns the Weare farmhouse, but he said recently that it would be less than accurate to say that "we farm it any." Two or three years ago, the Tiffany's closed their Concord home for the winter and lived in Weare so that their two children, Billy and Jean, could attend a



Associated Press

He stays with a problem

country school as part of their education.

Mrs. Tiffany is the former E. Ellen Auchincloss, whom Mr. Tiffany met while both were studying law at Columbia University. Mrs. Tiffany is a graduate of Vassar College. Mr. Tiffany of Yale, '35.

After service with the Navy in World War II, Mr. Tiffany yielded to the lure of New Hampshire and came here to practice law. He was Assistant Attorney General when Mr. Adams became Governor in 1949.

On the theory that the new Governor should pick his own staff, Mr. Tiffany resigned. But a month later, Mr. Adams appointed him as legislative counsel, to serve as liaison man between the Governor's office and the Legislature. Later, he was appointed Attorney General.

Mr. Tiffany is particularly sensitive to issues involving civil rights. In 1956, his law firm, Tiffany and Osborne, successfully defended Gordon Kahn, a New Hampshire man whose name was brought up by the present Attorney General, Louis C. Wyman, during an investigation of communism.

The State Supreme Court upheld Mr. Kahn's contention that Federal laws superseded state laws in subversive activities investigations.

Although trim in appearance, Mr. Tiffany lays no claim to othletic prowess. He professes some activity in tennis, fishing and skiing. But he has been more interested in his activities on the Board of Managers of the Council of State Governments, and as the former Eastern regional president of the National Association of Attorneys General.

SENATORS FAVOR CIVIL RIGHTS AIDE

Subcommittee Votes, 5-2, to Back Tiffany for Staff Director of New Panel

By C. P. TRUSSELL

Special to The New York Times.

WASHINGTON, April 2—The nomination of Gordon McLean Tiffany of New Hampshire to be the staff director of the new Commission on Civil Rights was approved today by the Senate Judiciary Subcommittee on Constitutional Rights. The vote was 5 to 2.

The opposition came from the South, but not on personal grounds. At issue was the installing of the man who would start the Commission's work on complaints that minority groups were being denied voting rights or were being otherwise discriminated against.

The South has been against the creation of the commission, and its votes on the final confirmation of Mr. Tiffany were expected to follow this course.

Mr. Tiffany, was New Hampshire's Attorney General under Sherman Adams, when the Assistant to the President was Governor of that state. Mr. Tiffany today made an opening statement and invited questions of the subcommittee members.

Backed By Senators

The questioning developed that Mr. Adams had had no hand in the nomination of Mr. Tiffany. Instead of White House support, the Republican Senators from New Hampshire—Styles Bridges and Norris Cotton—came into the hearing room to give their endorsement.

Senator Thomas C. Hennings Jr., Democrat of Missouri, chairman of the panel, announced that no witnesses had requested appearance in opposition. Among the mail, he added, were two protests against Mr. Tiffany's appointment—one from Dallas and another from Cincinnati. Neither, he added, suggested scandal nor any reflection on Mr. Tiffany's character.

These letters were passed among subcommittee members. Senator Sam J. Ervin Jr., Democrat of North Carolina, observed with a chuckle that one opposing letter had accused Mr. Tiffany of being a member of "that subversive group, the modern Republicans."

Today's subcommittee action gave no guarantee that Mr. Tiffany's nomination would be confirmed "in a breeze." The matter now must go to the full Senate Judiciary Committee, which is heavily weighted with members who oppose the Civil Rights Commission generally.

It was indicated that Mr. Tiffany would be confirmed by the Senate, but not unanimously or with the firm majority desired by an Administration for the installing of a nominee in a highly sensitive and controversial post.

Mr. Tiffany was treated with great courtesy today. His principal questioner was Senator Ervin. Mr. Tiffany said at the outset that he did not profess to be an expert on civil rights matters.

Mr. Ervin rejoined that he was happy to hear this, as "so many persons farthest from the South have claimed to be experts on solutions of problems of the South.

Senator Ervin asked Mr. Tiffany for his views on the employment of troops to enforce court decrees on school integration. Mr. Tiffany responded that that was not a question on which he would have to pass.

Appropriation Of $750,00 Given Civil Rights Commission

The House Appropriations Committee has recommended an appropriation for $750,000 for the Civil Rights Commission for the fiscal year beginning July 1, but disallowed the request for $200,000 to run the Commission to that date

In a report filed in the House by Representative Clarence Cannon, of Missouri, committee chairman, the committee said it proposes to offer an amendment to the General Government Matters appropriation bill, now pending in the House, to give the Commission $750,000 for the fiscal year 1959.

The report explained that the Commission has been operating out of an allocation of $200,000 made from the President's Emergency Fund for national defense on Jan. 3.

The budget estimate for 1958 for the Commission was intended to reimburse the President's fund.

The committee report pointed out that as of last January 6 there remained in the President's emergency fund an unallocated balance of $725,000 out of an original appropriation of $1,000,000.

As of March 25, obligations against the $200,000 allocated to the Commission totalled only $28,004.92

"It would appear that adequate funds are available to continue operations on the present basis", the report said.

Fund and the funds available to the balanies of both the Emergency Commission revert to the Treasury on June 30, 1958, an appropriation to the Commission at this time, for fiscal year 1958, would serve only as a bookkeeping transaction."

RIGHTS UNIT BARS LITTLE ROCK ROLE

Commission Nominees Tell Senators They Lack Power for Such an Inquiry

Special to The New York Times.

WASHINGTON, Feb. 24—Members of the new Civil Rights Commission told the Senate Judiciary Committee today that they did not feel they would have authority to investigate any such incident as the school integration dispute at Little Rock.

They also said they did not regard the commission as a "tool" of the Justice Department, and in fact intended to keep it entirely separate and apart from the department.

Attorney General William P. Rogers was pictured in the testimony as holding the identical view.

The committe heard, but did not act upon today, the following nominees to the commission:

Dr. John A. Hannah, president of the University of Michigan, chairman of the commission; Dr. Robert G. Storey, dean of the Law School, Southern Methodist University, vice chairman: former Gov. Doyle E. Carlton of Florida; former Gov. John S. Battle of Virginia; the Rev. Theodore M. Hesburgh, president of the University of Notre Dame, and J. Ernest Wilkins, Assistant Secretary of Labor.

Senator James O. Eastland, Democrat of Mississippi, Judiciary Committee chairman, told newsmen the nominations might be confirmed at the next regular committee meeting next Monday. He said he did not know when the committee would take up the nomination of the commission's executive director, Gordon M. Tiffany, former Republican Attorney General of New Hampshire.

Southerners Press Questions

Southern Senators on the committee questioned commission members closely about their duties and the extent of their authority as they saw it.

Dr. Hannah, Governor Battle and Father Hesburgh described their ob as "largely a fact-finding problem." All said they did not feel they had power to investigate Little Rock or any similar situation.

Questioned by Senator Eastland, Dr. Hannah said it was his understanding that the commission would be "completely separate from the Department of Justice."

"It is not my feeling that we should be used as a tool [of the department]," he said. "In fact, when we were looking for a staff director, I called Attorney General Rogers to ask his advice, and his immediate response was that it would be a serious mistake if there were any relationship between the Department of Justice and this commission."

Subpoena Extension Rejected

Under further questioning by Senator Eastland as to whether the commission would use its subpoena power to gather information for the Justice Department, which does not have such power, Dr. Hannah said:

"We should use our subpoena power to gain the information we need. I would reject the notion that the subpoena power be used by us to gain information for any other agency."

Father Hesburgh was asked whether he thought the commission should investigate civil rights matters in all sections of the country.

"Yes," he replied. I think we should take them as they come."

Earlier in the day the commission put Mr. Tiffany, who like commission members has yet to be confirmed by the Senate, on its payroll, as a $50-a-day consultant. He said this was done so the commission could "get off the ground and get things going" prior to Senate confirmation of his $22,000-a-year job.

Civil Rights Commission Is Confirmed

WASHINGTON, March 4 (AP).—All six members of the Civil Rights Commission were confirmed by the Senate today, with but little stir.

After the voice vote of approval, Sens. Talmadge (D-Ga) and Thurmond (D-SC) spoke briefly. Both said the commission was unnecessary and unwise.

Sen. Lyndon Johnson (D-Tex) praised one of the members, Dean Robert G. Storey of the Law School at Southern Methodist University. There was no discussion of the others.

The members in addition to Storey are: Chairman John A. Hannah, president of Michigan State University; former Gov. John S. Battle of Virginia; J. Ernest Wilkins, a Chicago Negro who is an assistant secretary of labor; Doyle E. Carlton, former governor of Florida, and the Rev. Theodore M. Hesburgh, president of the University of Notre Dame.

In The Guide Spotlight

"Civil Rights Pretty Damned Important..."

Gordon Tiffany, New Director, Seeks To Get Commission "Off The Ground"

By International News Service

The man who finally accepted the post of staff director of the new Federal Civil Rights Commission, which went begging for almost two months, considers his task "about the biggest job that can be done for this country."

He is Gordon MacLean Tiffany, former New Hampshire attorney general who last week moved into a temporary appointment as consultant to the commission until the Senate confirms him for the $22,500 staff director post.

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TIFFANY, resigned to being "ridden plenty before this is all over" because of the controversial nature of his work, admits to "deep - seated" convictions on civil rights and an interest in the subject that goes back to "my first course in American history."

"Civil rights are pretty damned imporant," the 45 - year - old lawyer said quietly. "First of all, I don't like to see bad laws anywhere. But more than that, if you lose the dignity of an individual, where are you ever going to find it"

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TIFFANY, a Repbulican, served a three - year term (1950 - 53) as attorney general of New Hampshire under then governor and now presidential assistant Sherman Adams. He was chiefly responsible for quick passage of a bill that revamped the state's government. "We got it passed in 12 days—must have been something of a record," he commented.

Born in Port Chester, N. Y. on Dec. 13, 1912, he worked his way through Yale and then joined the circulation department of a New York newspaper (Herald Tribune). After three years, he decided to take up law at Columbia University "because there was so much going on that I couldn't understand."

DURING THE WAR, he served in the Navy on convoy escort duty on both Atlantic and Pacific runs ("don't build it up as any great war record") and came out with the rank of lieutenant.

A wiry, good-looking man just skinning the six-foot mark, Tiffany says he has only a sort of loafing" interest in squash, skiing and fishing but "I sweated like the devil for two years to build my own tennis court." He has two children.

His first job, he says, is to get the much-delayed commission "off the ground." He told commission members last week that he expects to be fully operating by March 15.

AT FITNESS HEARING—Former Virginia Gov. John S. Battle (right) talks to Chairman James O. Eastland, Democrat of Mississippi, of the Senate Judiciary Committee, yesterday before a hearing on his fitness for a post on the national Civil Rights Committee.—AP Photo.

Civil Rights Group Cites Limits to Its Authority

By HOWARD L. DUTKIN
Star Staff Writer

Members of the Civil Rights Commission yesterday indicated they did not believe they could take action in cases where persons are deprived of "equal protection of the laws" by mobs or individuals acting in a private capacity.

By and large, the agreed with Senator Eastland, Democrat of Mississippi and Sam Ervin, Democrat of North Carolina, that a State must deny equal protection before the commission could function in this field.

Basis of the discussion, at a confirmation hearing for the commission, before the Senate Judiciary Commitee, was Federal-State relationship. Senator Eastland cited the Fourteenth Amendment as specifying that "States" must not deny equal protection of the laws and he followed by questioning each member as to his views on the subject.

Dr. Hannah's View

Dr. John A. Hannah, president of Michigan State University and chairman of the commission, said he interpreted the commission's power to study information concerning legal developments constituting denial of equal protection as being "largely a research responsibility."

This, he said, would entail analysis of State and Federal legislative enactments and court decisions.

"It wouldn't give you authority to investigate Little Rock?" Chairman Eastland asked.

"That is my feeling," Dr. Hannah nodded.

Query on Subpoena Power

The educator was questioned as to "fears" that the Justice Department's Civil Rights Division would be the beneficiary of subpoena powers granted the commission by Congress.

The Civil Rights Division does not have authority to subpoena persons during preliminary investigation leading to civil, not criminal prosecution, in civil rights cases. The commissilon has such subpoena power for hearing purposes. Thus, it was intimated the Justice Department might be the ultimate beneficiary through a sort of back-door arrangement.

"I reject the notion that the subpoena power will be used by us to get information for any other agency," Dr Hannah said. "It is not my feeling we should be used as a tool." He said he understood the Justice Department division and the commission were entirely separate entities.

Limitation Seen

Another commission member, John S. Battle, former Governor of Virginia, stating he had "strong Southern views," declared he did not believe the commission would have jurisdiction in cases of individuals denying other persons equal protection of the laws.

The Rev. Fr. Theodore Hesburgh, president of Notre Dame University, declared it "seems unlikely" that the commission could investigate Little Rock unless it were called on to do so by "higher authority."

At this, Senator McClellan, Democrat of Arkansas, asked: "Who would have such authority?"

"I don't know, sir," Father Hesburgh replied.

"You should know," Senator McClellan said with some asperity. He asserted the commission was not subject to such direction.

Chairman Eastland said a confirmation vote on the commission members will be on the agenda for next Monday but that there is no guarantee it will be taken then.

CIVIL RIGHTS SPEECH IS REFUSED BY WHITE

Justice Department Official Under Senate Study

From The Commercial Appeal Washington Bureau

WASHINGTON, March 3.—W. Wilson White, whose nomination to head the Justic Department's new Civil Rights Division is pending before the Senate, Monday declined a speaking engagement before a civil rights group.

The National Civil Liberties Clearing House announced Monday morning Mr. White would be a featured speaker at the organization's annual conference Friday.

But the Justice Department issued a special statement later in the day saying Mr. White "is unable to accept an invitation" to make the address.

The NCLCH is composed of the National Association for the Advancement of Colored People, and about 50 other pro-integration organizations.

Mr. White was scheduled to discuss his hopes for voluntary acceptance of anti-discrimination measures, according to the Monday morning announcement.

And he was to join Roy Wilkins, Negro executive secretary of the NAACP. in a panel discussion of the topic: "After Little Rock: Ways to Acceptance and Compliance."

Others scheduled to speak at the meeting include Daisy Bates of Little Rock, Negro president of the Arkansas NAACP and leader in the integration of Little Rock's Central High School; Senators Paul H. Douglas (D., Ill.) and Jacob K. Javits (R., N. Y.), and Dr. Robert M. Hutchins, president of the Ford Foundation's controversial fund for the Republic.

A Philadelphia lawyer, Mr. White headed the Justice Department's Office of Legal Counsel last September and has testified he was the one who advised President Eisenhower he had authority to send troops to Little Rock.

COMMITTEE APPROVES CIVIL RIGHTS CHOICES

Consideration Of Six Nominees Now Goes To Senate

From The Commercial Appeal Washington Bureau

WASHINGTON, March 3.—President Eisenhower's nominees to the new six-member Federal Civil Rights Commission were approved Monday by the Senate Judiciary Committee and sent to the Senate.

The nominees are:

Dr. oJhn A. Hannah, president of Michigan State University, chairman; former Gov. John S. Battle of Virginia; former Gov. Doyle E. Carlton of Florida; Dr. Robert G. Storey, dean of Southern Methodist University Law School; the Rev. Theodore M. Hesburgh, president of Notre Dame University, and J. Ernest Wilkins, a Negro, and assistant secretary of labor.

The meeting was closed to the public, but committee aides said four Southern members voted against the three non-Southern nominees.

The Southerners were identified as Chairman James O. Eastland (D., Miss.), and Senators John L. McCellan (D., Ark.), Olin D. oJhnston (D., S. C.), and Sam J. Ervin Jr. (D., N. C.).

CIVIL RIGHTS GROUP CLEARS ONE HURDLE

$750,000 In Funds OK-ed By House Committee

From The Commercial Appeal Washington Bureau

WASHINGTON, March 28.—The new Federal Civil Rights Commission cleared an initial hurdle Friday in a drive for operating funds, but opponents predicted it won't be able to begin work before May 15.

The House Appropriations Committee, which previously had postponed action on the commission's $750,000 appropriations request, approved the item over the protests of Dixie members.

The committee first voted down, by a 17-to-17 tie vote, a motion by Representative John Rooney (D., N. Y.) to cut the item to $600,000.

However, Representative George Andrews (D., Ala.) predicted the commission won't be able to get going before May 15.

Noting its legal life will expire Sept. 9, 1959, Mr. Andrews said: "Every day we can delay it is that much less time for it to work."

Southerners served notice they will try to cut the appropriation when it comes before the House, probably next Tuesday. Trouble also is expected in the Senate.

President Eisenhower has allocated $200,000 from emergency funds, but the commission has indicated it wants to wait for funds from Congress before getting down to business.

Also hindering full activities is Senate delay in confirming Gordon Tiffany, a Concord, N.H., lawyer, as staff director.

Senator Thomas C. Hennings Jr. (D., Mo.) announced his Senate Constitutional Rights Subcommittee will hold hearings on the nomination April 1. It then will go to the full Senate Judiciary Committee.

Post & Times Herald p. 1 Washington D.C. Sat. 1-4-58

President Eisenhower watches as the new Civil Rights Commission is sworn in at the White House. After yesterday's ceremony the Commission members convened in their first session. From left are J. Ernest Wilkins, the Rev. Theodore M. Hesburgh, John S. Battle, Doyle E. Carlton, Robert G. Storey, John A. Hannah, chairman; President Eisenhower, and Sherman Adams, Presidential Assistant, who administered the oath. United Press

Rights Commission Officially Begins Task

By Richard
Staff

The new Civil Rights Commission started its 20-month task of investigating the Nation's racial problems yesterday by agreeing on its first problem.

After a two-hour closed meeting of the three Northern and three Southern members, Chairman John H. Hannah told reporters the Commission had agreed on a list of names any of whom would be acceptable for the $22,500-a-year position of staff director.

President Eisenhower will appoint the staff chief but had asked the Commission for recommendations. The Commission members and staff director must be confirmed by the Senate.

The members were sworn into office yesterday morning in the President's office by Presidential Assistant Sherman Adams. The President looked on and then met with the members for half an hour.

Hannah said the President stressed the importance of the problem, cast the responsibility of the commission in "very broad terms" and offered the help of his office in their work. The President also made available to the Commission $200,000 from his emergency fund. Congress presumably will be asked to make this up in an appropriation this session.

Move to Offices

The Commission lunched at the White House with Adams and Gerald D. Morgan, special counsel to the President. Then it moved to offices provided at 726 Jackson pl. nw. for its first business meeting.

Hannah told reporters the Commission spent most of its afternoon session talking about the top staff job, getting acquainted and sampling each others views on racial matters. Views of the members differ considerably, but set against their background all are considered moderates.

Hannah, president of Michigan State University and a staunch foe of racial discrimination, said: "I expect we will get along well and come to conclusions agreeable all the way around."

Names for the staff director's position were not made public. Hannah said they had not been reached to learn if they were available. Some were proposed by Commission members. Others were suggested by retired Supreme Court Justice Stanley F. Reed, original Commission chairman who resigned.

Hannah said the Commission will meet in Washington again Jan. 10 and tentatively agreed to meet every two weeks.

Vice Chairman Sought

The civil rights act creating the Commission assigned it the task of investigating alleged violations of voting rights, of assessing the civil rights picture generally and reporting on the need for further Federal legislation. It must finish its work by Sept. 9, 1959.

Hannah said he expects the Commission will move around the country taking testimony. But no specific plans have been made.

The President must also designate a new vice chairman to replace Hannah. He is expected to name one of the Southern members. They are John S. Battle, former governor of Virginia; Robert G. Storey, dean of Southern Methodist University's law school; and Doyle E. Carlton, former governor of Florida.

The other Commission members are J. Ernest Wilkins, an Assistant Secretary of Labor and a Chicago Negro; and the Rev. Theodore M. Hesburgh, president of the University of Notre Dame.

As of yesterday the commission did not have one secretary. It moved into fifth floor offices of a string of buildings the Government has bought and plans eventually to replace with a new executive office building.

Sen. Morse Plans Rights 'Count'

News, Washington D.C. Sun. 1-6-58 p. 9

WASHINGTON, Jan. 5—(AP)—Senator Morse (D., Ore.) said today he will introduce new civil rights legislation shortly after Congress convenes Tuesday and "give the boys a chance to stand up and be counted."

Morse recalled that he voted against the civil rights bill which Congress passed last year.

He said he did so because the measure was reduced on the Senate floor "to an empty shell."

"I'm going to introduce a true civil rights bill," he said, declaring that he could not accept the suggestion of Atty. Gen. Rogers that there be a cooling off period before Congress again tackles such legislation.

Morse did not say what the provisions of his proposal would be.

Civil rights unit given $200,000

Afro-American Baltimore Md. Sat. 1-11-58

WASHINGTON (NNPA) — Authorization to use $200,000 from his emergency funds was given the Civil Rights Commission Friday by President Eisenhower.

The letter stipulating the operating funds was handed Dr. John Hannah, who has been designated the commission's chairman by Mr. Eisenhower, shortly after the six members of the group had been sworn in.

The oath of office was administered by Sherman Adams, assistant to the President, in Mr. Eisenhower's presence.

* * *

MR. EISENHOWER left a Cabinet meeting to attend the swearing in ceremony. After the members had taken the oath of office, they remained to talk with the President.

When they left the President's office, they went to the office of Mr. Adams and later attended a luncheon in the conference room at the White House with Mr. Adams and other members of the White House staff.

After the luncheon they went to 726 Jackson place northwest — less than a block from the White House — where commodious office space had been provided for them.

JAMES C. HAGERTY, White House press secretary, called the meeting with Mr. Eisenhower informal. He said the President discussed with the members of the Commission not only what he hopes but what they think the work of the Commission would entail.

Later, Mr. Hagerty made it clear that the Commission is an independent body and that the White House will have nothing to do with its work except to send the nominations of its members to the Senate and appoint an executive director upon the recommendation of the Commission. The executive director also is subject to Senate confirmation.

Dr. Hannah, president of Michigan State University, attended the oath-taking ceremony and the first meeting of the Commission despite the death of his mother, Mrs. Mary E. Hannah, in Grand Rapids Michigan on New Year's Day. Sat. 1-11-58

Dr. Hannah was promoted from vice chairman to chairman after retired Supreme Court Justice Stanley F. Reed resigned because he thought there might possibly be a conflict with his status as a retired justice, subject to recall to duty on the bench, and his status as chairman of the Commission.

* * *

THE COMMISSION had waiting for it a mass of material which had been sent to it since the White House first announced its membership last Nov. 7. The accumulated material included a letter from Robert B. Patterson, Greenwood, Miss., dated Dec. 4 and addressed to Justice Reed. It read:

"Dear Mr. Reed: We have received your letter acknowledging receipt of our publications and giving us the mailing address of the Civil Rights Commission.

"We are mailing you under separate cover six copies each of all of our publications."

Patterson is the secretary of the Association of Citizens Councils of Mississippi.

* * *

ALSO AWAITING the Commission were seven large packets of materials, marked "Suggestions for Action," "Personal Complaints," "Voting," "Letters," and periodicals, etc.'

Dr. Hannah said after the meeting of the Commission that he expects the three Southern and the three Southern members to "get along well."

"They are all able men," he told reporters. "I believe we will come to conclusions that will be agreeable all the way around."

"We won't be pushed into something without giving it considerable thought," he said.

President Eisenhower wished the Commission well and promised White House cooperation with its work.

* * *

DR. HANNAH said the first job will be to set up an office and get a staff, decide how the Commission will operate, and then begin a study of cases in which citizens have been denied the right to vote.

The six-member bipartisan Commission is charged with the duty of investigating alleged violations of law in the field of civil rights, which involve the right to vote, and making studies and recommendations of the legal developments and policies of the Federal Government with respect to the equal protection of laws under the Federal Constitution.

At an afternoon session, the Commission considered selection of a staff director. Dr. Hannah said the Commission would consider several persons.

* * *

THE CHAIRMAN also said the Commission would go over material which had been gathered by Justice Reed.

Dr. Hannah said the Commission "won't rush" in organizing and that it will meet rather frequently.

He planned to return to East Lansing to attend the funeral of his mother Saturday.

The first order of business of the new Commission was to find an ashtray as members gathered at desks in their headquarters.

The Rev. Theodore M. Hesburgh, president of Notre Dame University, remarked to former Gov. John S. Battle of Virginia:

"The first thing we have to do is to create an ashtray."

The Commission then went into a closed session.

RIGHTS COMMISSION MEETS—The six members of the new Civil Rights Commission get down to work in an office near the White House, shortly after swearing-in ceremonies in President Eisenhower's office. Left to right: the Rev. Theodore M. Mesburgh, Ernest J. Wilkins, John S. Battle, Chairman John A. Hannah, Doyle E. Carlton and Robert G. Storey. (United Press Telephoto).

New Civil Rights Commissioners Are Sworn In, Hold First Meeting

WASHINGTON, Jan. 3 (U.P.)—President Eisenhower put the controversial Federel Civil Rights Commission to work today with instructions that "it has a very important job to do" in protecting minority rights.

In its first action, the group agreed unanimously on a panel of several names from which the President was expected to pick a staff director.

Chairman John A. Hannah, president of Michigan State University, predicted the three Northern and three Southern members of the commission would "get along very well."

"They are all able men," he told reporters. "I believe we will come to conclusions that will be agreeable all the way around."

He announced later that the group had "arrived at a panel of several names, any one of whom would be acceptable as staff director." He did not identify them.

Mr. Hannah said the first meeting also covered the commission's aims and provided a sampling of views of individual members.

He said he would suggest a vice chairman of the commission to the President. Asked if he was thinking of former Gov. John S. Battle of Virginia, Hannah said, "You'll have to wait until the President makes a selection."

He said the group would hold its next meeting Friday and probably would hold future meetings about every two weeks.

The President sat in on part of the commission's meeting. He promised that it would have White House co-operation in carrying out its assigned role.

He stood by while Presidential Assistant Sherman Adams swore in Hannah and the five other commission members.

Hannah, a northerner and outspoken foe of racial discrimination, promised he would not try to "run the commission."

The Civil Rights Bill passed by Congress last Summer threw new safeguards around the constitutional right of citizens to vote. It also authorized creation of the new commission to study civil rights violations and advise the President and Congress on civil rights matters.

Meantime, Atty. Gen. William P. Rogers told those attending a National Press Club lunch that the Justice Dept. has a duty to enforce civil rights laws as vigorously as other federal statues. Bu he said its officials "must exercise caution" in what they say and "not aggravate the situation."

Mr. Rogers declared again that the Justice Dept. had no plans for new civil rights legislation this year.

All Civil Rights Commission members and the staff director must be confirmed by the Senate.

In addition to Hannah, the commission includes former Florida Gov. Doyle E. Carlton; former Virginia Gov. John S. Hesburgh, president of Notre Dame University; assistant labor secretary Ernest J. Wilkins, a Negro, and Dean Robert G. Storey of Southern Methodist University Law School.

A CIVIL RIGHTS MILESTONE

The Civil Rights Commission of the United States has been duly sworn in and has begun its operation. It is authorized by law, created by act of Congress, and becomes an integral part of our approach, through government, to some of our critical problems. They will not be solved, or even changed, by this one act or this one day, but a milestone should be marked. The effort to reach solution is being made and this is part of the long and complex road to

This first commission should inspire confidence by its membership. It is bipartisan, or even nonpartisan, since one member is called an "independent." It derives from both North and South, in appropriate balance. It has a most distinguished chairman, Dr. John A. Hannah, president of Michigan State University. The members are persons of distinction in public service. They are now continuing in that role.

The functions of this group are primarily to study and to recommend. It is not, and was never intended to be, an administrative body. If we do not have, in the established instruments of government, the appropriate agencies to deal with a problem even as complex as this one, we have failed in the rudiments of political science.

But much more is needed, now, than court decisions and executive actions. They have been required in the past and will be again. The idea of a permanent authorized commission, as part of the whole legal framework, however, goes beyond one case, one decision or one incident. Its establishment is part of a long-range effort to establish a sensible and orderly method of approach to questions that have sometimes, unhappily, involved a lack both of good sense and good method in their immediate impact on our society.

What we call "civil rights" is a heritage of several centuries of political and social evolution. We have engraved some of those rights into the fundamental law of our land. We have declared that they may not be imperiled or abridged. That is the tradition of freedom that we seek to embrace and to uphold. It has not always been easy to live up to this heritage or adequately to defend it.

If we lived in an ideal society a "commission" on civil rights would be unnecessary. The rights would be so completely taken for granted that any survey of them would be superfluous. But our society is far from ideal. There are conflict and confusion, mistrust and doubt. What we really wish to do, as a whole body of persons in the human framework, is not always clear. Hence it is valuable to have a designated group to call attention to this need, to help to resolve the doubts and confusions and to assist in problem-solving.

HOUSE VOTES FUND FOR RIGHTS PANEL

WASHINGTON, April 1 (UP)—The House of Representatives passed a $15,558,870 money bill today for running the White House and related agencies. It rebuffed a last-ditch Southern effort to eliminate funds for the new Civil Rights Commission.

The measure was adopted by voice vote and sent to the Senate after the Southerners had been defeated in a roll-call vote, 272 to 98. The Southern block was also defeated yesterday in an attempt to kill the Commission's funds.

Provided in the bill were funds for the President's $150,000 a year in salary and expenses, the Budget Bureau and several other executive agencies for the fiscal year starting next July 1.

The Commission was established under the civil rights law passed by Congress last session. ItIs operations this year are being financed out of the President's Emergency Fund.

The House also passed a $3,216,998,549 agriculture appropriations bill designed to block Administration efforts to economize on the farm program.

It went through by a voice vote without a partisan floor fight for the first time in many years. The Republicans did not offer an amendment to make the bill conforrm more closely to Administration recommendations. It was sent to the Senate.

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CIVIL RIGHTS COMMISSION

Hearing Is Held On Rights Unit

By Richard L. Lyons
Staff Reporter

The six members of the Civil Rights Commission were given a short and gentle confirmation hearing yesterday by the Senate Judiciary Committee.

No action was taken, but approval by the Committee and the Senate seemed certain. The nominations will be on the Committee's agenda at its meeting next Monday. From questioning yesterday the Southern members seemed to have little interest in blocking confirmation.

Sen. Sam J. Ervin Jr. (D-N. C.), one of the leading opponents in the last session of the civil rights bill which created the commission, said he was "pleased by the calibre of the members" and declared it had a "terrific responsibility."

The Commission consists of three Northerners and three Southerners. John A. Hannah, president of Michigan State University, is chairman.

Conciliatory Force

Members are John S. Battle, former Governor of Virginia; Doyle E. Carlton, former Governor of Florida, now a Tampa attorney; The Rev. Theodore M. Hesburgh, president of the University of Notre Dame; Robert G. Storey, dean of the law school at Southern Methodist University; J. Ernest Wilkins, Assistant Secretary of Labor for International Affairs and the highest ranking Negro in the Administration.

President Eisenhower has said he hoped the Commission could be a conciliatory force in racial trouble spots.

Under questioning by Eastland and Ervin, Hannah and other members said yesterday they thought the Commission would have no authority to "go into" a situation like Little Rock. They consider their task as largely fact-finding.

The Civil Rights Law instructed the Committee to investigate written complaints that Negro voting rights have been violated, to collect information on "legal developments" that deny citizens' constitutional rights, and to assess the adequacy of Federal civil rights legislation.

Eastland asked each member what "legal developments" meant. The consensus was that it meant the Commission should examine state legislation and state court decisions.

Inquiry Defined

Hannah sought to allay Southern fears that the Commission, with its subpena power, would become an investigative arm of the Justice Department. He said the Commission had no connection with Justice and would not use its subpena power to obtain information for the Department.

Sen. John L. McClellan (D-Ark.), who had tried to tack a right-to-work amendment on the civil rights law, asked if the Commission's jurisdiction would extend to investigating denials of the right to work because of non-union membership. The Commission members indicated they wouldn't want to get into that field.

Sitting in as an observer at the hearings was Gordon M. Tiffany, former New Hampshire Attorney General nominated by the President to be the Commission's $22,500-a-year staff director. He, too, must be confirmed by the Senate.

Tiffany cannot take office as staff director until confirmed. The Commission, therefore, put him on the payroll yesterday as a consultant so he can start work.

Charles A. Tiffany

Rights Director Stern, But Short On Subject

By ETHEL L. PAYNE

WASHINGTON — The new director of the Civil Rights Commission was described by those who know him as being a typical rugged New Englander with a passion for stern principles, but he knows little about the subject first hand of the job to which he has been named.

Charles A. Tiffany, the 45-year-old lawyer from Concord is a descendant of abolitionists on both sides of his family. They were against slavery as normally wrong.

However, in a state of less than 606,000 population today, New Hampshire has less than 2,500 Negroes in the whole state, Concord the fourth largest city has 30,000 residents.

Tiffany who was educated at Yale and Columbia Law School has spent little else time besides his schooling outside of his native state.

In his campus days, he mingled with a set that like to describe themselves as "bohemians," but that youthful fling seems to have been put away with his college books.

He is now known to be a stickler for the law and in the tradition of his independent forebearers, he outrayed some of his fellow townsmen by openly approving of the Supreme Court decision in the freeing of 12 communists.

His weakest point is his total inexperience with Negroes in numbers and therefore a remoteness from the problems of living under segregated conditions.

This is probably one of the reasons he was chosen by President Eisenhower, since has has no emotional ties to the subject. Yesterday he told some committee members after he got unanimous approval that he expected to have an "open mind" on the subject.

Tiffany faces a grilling both in the Senate before the Judiciary Committee which must approve him and beore the House Appropriations Committee which must approve funds for the operation of the commission.

Until these matters are cleared, no staff can be appointed. The administration is hoping to get enough money to hire a huge staff to make up for lost time.

Wary Southerners will probe Tiffany thoroughly to see what his attitudes are before approving either him or the funds. Tiffany will probably resign his seat in the New Hampshire legislature.

Incidentally there is only one NAACP branch in the whole state. This was recently formed at Portsmouth where there is a name-base and a sizeable number of Negro personnel.

Can't Probe Integration Flareups, Ike's Rights Panelists Testify

By ALLEN DRURY
(Copyright, 1958, by The New York Times Co.)

WASHINGTON, Feb. 24—Members of the President's new Civil Rights Commission told the Senate Judiciary Committee today that they do not feel they would have authority to investigate any such incident as the school integration dispute at Little Rock.

They also said they did not regard the commission as a "tool" of the Justice department, and in fact intended to keep it entirely separate and apart from the department.

Atty. Gen. Rogers was pictured in the testimony as holding the identical view.

The committee heard, but did not act upon today, the following nominees to the commission:

Dr. John A. Hannah, president of the University of Michigan, chairman of the commission; Dr. Robert G. Storey, dean of the law school, Southern Methodist University, vice chairman; former governor Doyle E. Carlton of Florida; former governor John S. Battle of Virginia; the Rev. Theodore M. Hesburgh, president of Notre Dame University, and J. Ernest Wilkins, Assistant Secretary of Labor.

Sen. Eastland, Mississippi Democrat, judiciary chairman, told newsmen the nominations might be confirmed at the next regular committee meeting next Monday.

QUESTION CLOSELY

Southern senators on the committee questioned commission members closely about their duties and the extent of their authority as they saw it.

Dr. Hannah, Gov. Battle and Father Hesburgh described their job as "largely a fact-finding problem." All said they did not feel they had the power to investigate Little Rock or any similar situation.

Questioned by Sen. Eastland, Dr. Hannah said it was his understanding that the commission would be "completely separate from the Department of Justice."

NOT A TOOL

"It is not my feeling that we should be used as a tool (of the department,") he said. "In fact, when we were looking for a staff director, I called Attorney General Rogers to ask his advice, and his immediate response was that it would be a serious mistake if there were any relationship between the Department of Justice and this commission."

Under further questioning by Eastland as to whether the commission would use its subpoena power to gather information for the Justice department, which does not have such power, Dr. Hannah said:

"We should use our subpoena power to gain the information we need. I would reject the notion that the subpoena power be used by us to gain information for any other agency."

Senate Group Approves Civil Rights Committee

United Press

The Senate Judiciary Committee yesterday approved the new six-man Civil Rights Commission despite Southern opposition to the three Northern members.

The four Southern members of the Committee voted against Commissioners John A. Hannah, president of Michigan State University; the Rev. Theodore M. Hesburgh, president of Notre Dame University and Assistant Labor Secretary J. Ernest Wilkins.

The three Southern Commissioners were approved without dissent. They are former Gov. John S. Battle of Virginia, former Gov. Doyle E. Carlton of Florida, and Robert G. Storey of Dallas, Tex., dean of the Southern Methodist University Law School.

Voting against Hannah, Hesburgh and Wilkins were Committee Chairman James O. Eastland (D-Miss.) and Sens. Olin D. Johnston (D-S. C.). John L. McClellan (D-Ark.) and Sam J. Ervin Jr. (D-N. C.).

The three had sufficient support among the Committee's other 11 members for approval, however. The exact vote at the closed-door meeting was not learned immediately.

The commission must now be confirmed by the Senate. Hannah has been designated chairman.

Rights Panel Confirmed As Talmadge Protests

Constitution Washington Bureau

WASHINGTON, March 5—Sen. Talmadge voiced his protest Tuesday as the Senate confirmed, by voice vote, President Eisenhower's nominations to the new Civil Rights Commission.

Talmadge told the Senate he personally knows two of the nominees to the commission and holds them in high esteem.

"Regardless of that, however, I am opposed to the confirmation of the nominees of the President to this commission," Talmadge said, "because I consider the creation of such a body to be unwise and unnecessary, a useless expenditure of the taxpayers' money and a futile political gesture which will be unproductive of any tangible benefits to the nation.

"I am further opposed to the confirmation of the nominees, because I am convinced that the activities of such a commission will divide the nation at a time when it needs unity more than ever before. Nothing it (the commission) can do can settle any of the problems which by their very nature direct themselves to the solution at the local level."

The Georgian said he wished the record to show him opposed to the confirmation.

Sen. Strom Thurmond (D-SC) conducted a futile one-man filibuster against the civil rights bill in the Senate last year, added his protest.

"I do not know all the members who have been appointed to the commission," Thurmond told the Senate, "but I do know some of them and they are able and distinguished Americans.

"However, the commission is unnecessary and unwise. I believe that it cannot accomplish any good and that it may result in great harm."

Name civil rights chief

WASHINGTON

Gordon M. Tiffany, nominated by the President to be staff director of the Civil Rights Commission, may go before the Senate Judiciary Committee for confirmation, next week.

Mr. Tiffany is scheduled to be in Washington Monday and Tuesday.

Members of the commission are due to appear before the Senate unit Monday for confirmation.

Mr. Tiffany's appointment, promises to spur the long-delayed commission into action.

His nomination must be confirmed by the Senate Judiciary Committee, headed by the ardent segregationist, Senator James O. Eastland (D. Miss.)

* * *

THE FORMER New Hampshire Attorney General and member of that state's legislature, is quoted as saying he would enter the job "with an open mind" if his nomination gets Senate confirmation.

The 46-year-old attorney last summer tried unsuccessfully with other New Hampshire lawmakers to prevent Congress from criticizing the Supreme Court for its Sweezy decision.

The Sweezy ruling threw out the contempt conviction of a University of New Hampshire lecturer who refused to answer questions in a general Communist probe.

The newly-nominated staff chief received his bachelor's degree at Yale University and his master's in law from Columbia.

He served in the U.S. Navy in World War II and after the war became assistant Attorney General of New Hampshire.

* * *

HE HAS also served as legislative counsel to White House aide Sherman Adams, who was then governor of New Hampshire.

Mr. Tiffany was Attorney General of the state under Adams for two years.

No effort will be made to bring up the bill making appropriations for the Executive Office of the President and general Government agencies for the fiscal year beginning July 1 until the House Appropriations Committee reports funds for the newly created Civil Rights Commission.

Asked by Rep. Kenneth B. Keating, (R., N.Y.) whether it was the intention of the House Leadership to call up the bill, Rep. John W. McCormack, of Massachusetts, the House Democratic leader, replied in the negative.

Mr. McCormack said he considered the action of the House as "an instruction to withhold the matter pending further consideration of the bill" by the House General Government Matters appropriations subcommittee.

* * *

THE subcommittee, headed by Rep. George W. Andrews, (D., Ala.) "deferred" action on President Eisenhower's request for $750,000 for salaries and expenses of the Commission.

After debating the matter, the House took no action but left the bill on the Speaker's desk where it may be called up at any time by the House leadership.

Rep. Clarence Cannon, of Missouri, chairman of the full House Appropriations Committee, indicated that the subcommittee would hold hearings whenever the Administration made the request.

The White House had Dr. John A. Hannah, chairman of the Civil Rights Commission, ready to testify, but Mr. Andrews said he wanted to hear only the staff director, although there was no staff director.

* * *

PRESIDENT EISENHOWER signed the Civil Rights Act of 1957 last Sept. 9. Members of the Commission were given recess appointments in November, but additional time was lost when Justice Stanley F. Reed decided to resign on the ground that there might be some conflict in his duties as chairman of the Commission and those of a retired judge who is subject to be assigned to sit on a Federal court bench from time to time.

During the two hours of debate in the House on the action of the subcommittee in not putting any funds into the bill for the Commission, some Northern Democrats were critical of the White House for the delay in the Commission's not getting to work.

Both the White House and the Commission denied the responsibility for the delay.

Even if a staff director is found immediately, the commission will have difficulty in finishing its work by Sept. 9, 1959, as the Civil Rights Act requires.

The chances are that moves will be made in Congress to extend the life of the Commission, but Southern obstructionists would seek to prevent that.

House Prods Unit on Rights

By Robert C. Albright
Staff Reporter

The House yesterday in effect told its almost omnipotent Appropriations Committee to hold more hearings on a $14,808,870 appropriation bill which failed to provide any money to finance the new Civil Rights Commission authorized by Congress last year.

The unusual action, accomplished by gentlemen's agreement rather than recommittal of the bill, followed charges by civil rights advocates on both sides of the aisle that the new agency was denied funds without ever receiving a committee hearing.

Committee managers described the fund shut-off as a "deferment" rather than a denial of money and charged the White House failed to justify" the outlay. The President had asked $750,000 for the Commission in his 1958 budget.

The session's first civil rights row broke in full cry in the House as Sen. Paul Douglas (D-Ill.) and 15 other Democratic and Republican Senators co-sponsored a broad new civil rights bill in the Senate.

New Measure

The comprehensive new measure, co-sponsored by similar group in the House, seeks to realize Constitutional rights in the field of public education by a combination of information, education, conciliation, persuasion and financial assistance.

In effect, the bill revives controversial "Title III," providing for enforcement of all Constitutional rights, which was stricken from last year's so-called "voting rights" bill.

The proposed new language empowers the Attorney General to bring "preventive" action in cases where state or communities fail to carry out the Supreme Court's desegragation order or where a citizen was denied "equal protection" before the courts.

Some of the provisions authorize:

- Grants of $2.5 million a year for five years by the Secretary of Health, Education and Welfare for "technical assistance" to states, local communities, and school districts seeking to eliminate segregation in public education.
- Appropriations of $40 million a year for five years for teacher-training, school construction and other grants in areas where lack of adequate school facilities are major barriers to integration.
- Specifically make funds available to communities that wish to comply with the Court's integration decisions, but where, as in Georgia and Virginia, the States threaten to cut off funds or close the schools.

The outlook for the bipartison bill appeared dim, particularly in the light of the Administration's decision not to plug for any new civil rights legislation this year. Sen. Douglas, nonetheless hailed a weekend statement by Attorney General William P. Rogers that if Congress should pass a resurrected "Title III" he would recommend that the President sign it.

85 to 67 Vote

Action of the House, in virtually remanding the White House appropriation bill to the House Appropriations for hearings on Civil Rights Commission appropriations, was accomplished by an 85 to 67 teller vote on a motion that "the committee arise."

Normally, this is just a technical motion which enables the House, sitting as a committee, to suspend work for the day on a bill.

In yesterday's instance, however, the note clearly meant that there will be no further consideration of the bill until a House Appropriation Subcommittee holds hearings and acts on the requested appropriation.

House Majority Leader John W. McCormack (D-Mass.) told newsmen he regarded the vote as "sort of a mandate to the subcommittee to take appropriate action and report back to the House:"

McCormack however, joined some other House Democrats in criticizing Administration for not moving aggressively to get the new Civil Rights Commission organized.

The decision to take time out while the Appropriations Committee listens to "justifications" of the commission's budget estimate, followed disclosure that other provisions in the bill could be interpreted as putting the new Commission "out of business."

Rep. John Taber (N. Y.) ranking Republician on the House Appropriations Committee, said the possibly unintentional effect of one retroactive "proviso" would deny the new agency any use of the $195,000 remaining of $200,000 already allocated the Commission out of the President's emergency funds.

Rep. George W. Andrews (D-Ala.), chairman of the Appropriations Subcommittee, denied this was the intention of his unit. He said his subcommittee merely recommended a "deferment" until the White House sends up witnesses to justify commission funds.

Reps. Kenneth B. Keating (R-N. Y.) and Taber told the House it was their understanding that Commission Chairman John A. Hannah had volunteered to testify before the Subcommittee, but that a Subcommittee aide insisted a Commission "staffer" be sent up instead. The Commission has not yet selected a staff director.

Civil Rights Showdown Is Shunted Off

WASHINGTON (AP)—The House, avoiding an immediate showdown on the explosive civil rights issue, has postponed action on a money bill involving funds for the new Civil Rights Commission.

After two hours of debate, the House voted 85-67 to put off action on the bill. House leaders said it would be at least two weeks before the bill is up again for action.

The measure would appropriate $14,808,870, mostly to finance the executive office of the President during the fiscal year beginning July 1. House civil rights advocates had hoped to restore $750,000 which President Eisenhower requested for the commission.

The vote to postpone action foiled their plan. It also averted a possible civil rights fight that could have caught many civil rights champions off guard. A number of Republicans who usually support civil rights legislation were out of town for Lincoln Day speaking engagements. And several Northern and Eastern Democrats had left believing nothing controversial would arise this week.

A House Appropriations subcommittee approved the money bill last week but deferred action on the $750,000 for the commission on grounds the group wasn't yet functioning and that there were no qualified witnesses available to justified witnesses available. The full Appropriations Committee later upheld that stand.

The commission members have been sworn in under recess appointments but have yet to be confirmed by the Senate. The commission staff director also has not been appointed.

Why civil rights unit marks time

IN A NUTSHELL

- **President Eisenhower is charged with delaying work of new Civil Rights Commission by insisting staff director be someone who has no background in the field.**
- **Southerners use lack of organization to hold up $750,000 appropriation asked by Administration.**

WASHINGTON

"To fill this job (staff director for the new Civil Rights Commission) they have to get a person who is willing to run the risks of the insults and criticisms that come to every one who works on civil rights problems."

So spoke Clarence Mitchell last week as he attributed five months of futile searching for a staff director for the Civil Rights Commission to President Eisenhower's insistence that the post not be given anyone with a background in the field of civil rights.

Mr. Mitchell, director of the NAACP's Washington bureau, expressed the opinion that the job could be filled quickly if the administration would reverse its attitude and accept a qualified person willing to assume the post. He added:

"The way they are letting it slide along is typical of the way the administration acts on the civil rights question. Usually they wait until a crisis develops before doing something.

* * *

"THEY WAITED too long even to get a bill out in the 84th Congress and they didn't watch developments closely enough in the 85th Congress until Senator Russell (D., Ga.) threw their plan into a tizzy."

The fact that the commission has no head was seized upon last week by Rep. George W. Andrews, a foe of the 1957 Civil Rights Act, in a futile attempt in the House to block all appropriations for the operation of the new Civil Rights Commission.

A subcommittee headed by Representative Andrews (D., Ala.) last Friday made a recommendation to withhold $750,000 requested for operation of the commission over objections of Rep. Charles A. Boyle (D., Ill.) and some other northern members.

* * *

MR. BOYLE, whose motion to include the $750,000 was beaten by a voice vote, said he would ask the House to restore the money when it considered the appropriations bill on Monday of this week. He said he expected the backing of members who voted for the 1957 cut.

The $750,000 for the commission was deleted from a bill to finance the executive office of the President and related agencies for the fiscal year beginning July 1.

The commission already has pending a request for a $200,000 stoppage appropriation to cover the next four months.

Over commission funds—

Civil rights fight moves to House

WASHINGTON, Feb. 10—(AP)—An unheralded civil rights fight moved to the House floor today, threatening to catch many absent members off guard.

It involves financing for the six-member Civil Rights Commission and its staff created by the controversial 1957 civil rights law. The fight could delay action on this year's first regular money bill to finance the White House and general government matters.

Many House members, anticipating no controversy, had arranged to be out of the city for Lincoln Day speeches and other matters.

PRESIDENT EISENHOWER has asked Congress to provide $200,000 for the commission's current year activities and $750,000 for its fiscal year 1959 work starting next July 1.

The House appropriations committee excluded the $750,000 from a money bill which was to come up for a possible vote today. And it indicated that it would take a dim view of the $200,000 request unless the commission is more firmly established.

The committee noted in a formal report that the two money requests were "prepared by persons not associated with the commission," and cited the fact that a staff director has not yet been appointed.

THE SIX COMMISSION members have been sworn in under recess appointments, but the Senate has not yet confirmed the appointments, nor even ordered committee hearings on them.

The commission is charged with investigating reports of civil rights violations and making recommendations covering the broad field of rights of minority groups.

Rep. Andrews (D., Ala.), chairman of an appropriations subcommittee that considered the commission's budget, said the committee could not justifiably recommend money for an operation that "is not even a going concern."

FOR THAT REASON, he said, the committee deferred action on the request for the $750,000 and "it would appear at this writing that the same situation will prevail" with respect to the $200,000 to be considered later.

Rep. Boyle (D., Ill.), an appropriations committee member and a leader in the 1957 civil rights fight, said he would ask the House to approve an amendment including the $750,000 in today's bill. The amendment should be approved, he said, if all those who voted for the 1957 bill are on hand to vote.

"The best way to kill the 1957 act is to refuse to provide the money to implement it," Boyle told a reporter. "I am going to try to get a roll-call on my amendment, and if all the members vote in 1958 the way they voted in 1957, the amendment will be adopted."

REP. KEATING (R., N. Y.), also an active champion of civil rights legislation, called the appropriations committee action "an underhanded attempt to kill the civil rights law."

Keating and Boyle said their major problem may be absenteeism. The appropriation bill, originally considered as a non-controversial matter, is the only major legislation on the House docket this week.

Many Republicans who normally are supporters of civil rights measures have left town to keep Lincoln Day speaking engagements. Many Northern and Eastern Democrats also have left under the assumption that there would be no controversial legislation this week.

Should Boyle succeed in forcing a roll-call vote, the showdown may be deferred until next week.

White Says He Wouldn't Have Troop Use Power

By Washington Correspondent

WASHINGTON, Feb. 4 — The new head of the Justice Department's Civil Rights Division told the Senate today he would have no authority in his job to use federal troops in civil rights cases.

But Assistant Attorney General W. Wilson White said he drafted President Eisenhower's proclamation and executive orders dealing with the Little Rock crisis last year, including the order for use of troops to compel integration of Central High School.

And he disputed at length the contention of Sen. Sam J. Ervin Jr. (D-N.C.) that the use of federal troops and the calling of the Arkansas National Guard into federal service by the President were "illegal and unconstitutional."

BEFORE COMMITTEE

White, who heads the Civil Rights Division under a recess appointment, appeared this afternoon before the Senate Judiciary Committee, which is considering his nomination by Mr. Eisenhower to be assistant attorney general in charge of the division created by last year's Civil Rights Act.

While hearing his testimony, the committee on motion of Sen. Olin D. Johnston postponed for at least a week a vote on White's nomination. Johnston, who has been ill with influenza, said he was not feeling well enough to take part in questioning White.

The South Carolina senator said he regarded the appointment as important, and would not want to vote on it without participating in the questioning. Chairman James O. Eastland (D-Miss.), noting that it was the custom of Senate committees to postpone final action on nominations at the request of any member, granted Johnston's request.

CLOSE QUESTIONING

Most of today's hearing was devoted to close questioning of White by Ervin, a former North Carolina Supreme Court justice, about the part he played in last year's decision to send federal troops to Little Rock to force integration of Central High School under a federal court order.

White said that he had drafted the Eisenhower proclamation and executive orders as the Justice Department's legal counsel. He said these were "long-time functions" of his office. He added he was not consulted on the advisability of the action, but only on its legality.

White also:

Denied he had had any disagreement with then Attorney General Herbert Brownell Jr. over the Little Rock incident.

NO EFFORT MADE

Confessed that no effort was made to use United States marshals or contempt of court proceedings to prevent mob action before the troops were sent to Little Rock.

Denied that a federal district court's request for Justice Department help was based on a secret Federal Bureau of Investigation report or that counsel for Gov. Orval Faubus was not accorded the right of cross-examination at a court hearing.

Ervin said the basic point of disagreement was whether the Supreme Court decision holding school segregation unconstitutional was in itself the law of the land. He contended it was not.

He asked White if he agreed that the Little Rock situation was handled in an "unfortunate manner." White replied that it was "most unfortunate when a situation arises that compels" the government to act in such a manner.

SUPPORTS WHITE

Sen. Joseph S. Clark (D-Pa.), an advocate of all-out, punitive civil rights legislation in last year's campaign for legislation on the subject, appeared before the committee as a witness in support of White.

He praised the nominee for the "quality of objectivity" which he said White had shown in legal work. He said White was "in no sense a partisan."

Early indications were that White, whose nomination did not have to be submitted to the Senate by Mr. Eisenhower because he already had the rank of assistant attorney general, will be approved by the committee. Neither Johnston, Ervin nor Eastland, however, indicated how they will vote.

GORDON M. TIFFANY
'Happy To Be Of Service'

Staff Director Of Rights Unit Is A Lawyer

By JOSEPH D. KAMIN

CONCORD, N. H., Feb. 19 (AP) — President Eisenhower's nominee as staff director of the Civil Rights Commission is a former New Hampshire attorney general who hasn't hesitated to take an unpopular position on controversial issues.

One of the 420 members of the nation's largest state legislature, Gordon M. Tiffany heard the news of his nomination while participating in a special legislative session considering a state utility tax controversy.

"I'm happy to be of service to the federal government," said Tiffany, who at 46 is thin, good-looking and a conservative dresser.

"I plan to approach my new job with an open mind and I have no preconceived notions about it," the soft-spoken Concord lawyer said in an interview.

UP TO SENATE

"If the Senate confirms me, I'll try to get down to Washington just as soon as I can get away from my practice," he added.

A lifelong Republican, Tiffany early in his political career served as an aide to presidential assistant Sherman Adams when Adams was governor of New Hampshire.

Tiffany is now completing his first two-year term as a state representative after a distinguished career of public service during which he has sometimes been on the losing side of public arguments.

Last July, Tiffany was one of a handful of state legislators who were unsuccessful in an attempt to prevent the Legislature from criticizing the U. S. Supreme Court for throwing out the contempt conviction of a University of New Hampshire lecturer.

The lecturer, whose conviction had been upheld by the New Hampshire Supreme Court, refused to answer some questions asked him by Atty. Gen. Louis C. Wyman in a legislative-ordered state Red probe.

Tiffany and a few other lawmakers contended the Legislature did not have enough time to study the proposed resolution aimed at the nation's highest tribunal.

A native of Port Chester, N. Y., Tiffany is an Episcopalian and was educated at St. Paul's School here. He received his bachelor's degree at Yale and his law degree at Columbia.

VETERAN OF NAVY

During World War II, Tiffany was a Navy lieutenant and saw active duty with both the Atlantic and Pacific Fleets.

Tiffany was an assistant attorney general from 1946 to 1950, when he was appointed legislative counsel to Adams.

In 1951, Tiffany was named attorney general, a post he left two years later to become Concord's city solicitor. He resumed his general law practice in 1954.

No stranger to Washington, Tiffany has practiced before the U. S. Supreme Court, the U. S. District Court, the Court of Military Appeals and the Interstate Commerce Commission.

Tiffany, his wife and their two children live in a fashionable home in Concord's West End.

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CIVIL RIGHTS COMMISSION

Dixiecrats Lose Fight to Block Civil Rights Funds

272 to 98 vote okays $750,000

By LOUIS LAUTIER

WASHINGTON (NNPA)—The House by a vote of 272 to 98 gave final approval Tuesday to the amendment providing $750,000 for the Civil Rights Commission for the fiscal year beginning July 1.

A separate roll-call vote on the amendment had been demanded Monday by Rep. George W. Andrews (D-Ala.) chairman of the House General Government Matters subcommittee, after the House had tentatively adopted the amendment on a teller vote of 105 to 55.

Both the roll-call vote Tuesday and the teller vote Monday were largely along sectional lines, but a few southerners voted for the appropriation and a few northerners voted against it.

UNTIL THE new fiscal year begins, the Commission will operate on an allocation of $200,000 made Jan. 3 from the President's emergency fund for national defense. Out of that sum, the Commission through March 25, has incurred an obligation of $26,004.

The allocation from the President's fund is regarded as ample for the remainder of the current fiscal year.

Rep. Louis Rabau, (D.-Mich), offered the committee amendment to appropriate the sum of $750,000 for the Commission by the budget Bureau for the next fiscal year.

Andrews told the House that he was "unalterably opposed" to the appropriation. Another subcommittee member, Rep. J. Vaughan Gary, (D,, Va.). also opposed the amendment.

"I do not believe a Commission of this nature will accomplish anything whatever," Gary told the House, adding that the Commission "has no proper federal function to perform" and called the approriation "a wasteful and improper expenditure of taxpayers' funds."

* * *

REP. JOHN TABER (R.,-N.Y.), ranking GOP member of the full Appropriations Committee, supported the amendment.

He told the House he was satisfied that the six members of the Commission will perform their duties in such a way as to "lessen tensions" between white and colored people and "between the people of this country."

Rep. Kenneth Keating, (D.-N.Y.), one of the leaders in the fight to pass the Civil Rights Act of 1957, told the House that "a vote against this amendment is a vote to kill this important feature of the Civil Rights Act.

* * *

OTHERS who supported the amendment were Rep. Ivor D. Fenton, (R., Pa.) and John F. Shelley, (D., Calif.)

Opposing the amendment, Rep. Robert W. Hemphill, (D., S.C.), said he had talked with some of the people whom the Civil Rights Act was "supposed" to benefit and they told him "they are not so much interested in political civil rights as they are in bread and meat because of the economic situation."

Also supporting the amendment were Reps. Barrett O'Hara of Illinois, Charles A. Vanik of Ohio, and Clair Engle of California, Democrats.

A standing vote on the amendment was 67 to 44. Andrews demanded a teller vote. The teller vote was 105 to 65.

Measure Now Goes To House

Bill Asks Full Amount Sought By President

WASHINGTON — (INS) — The House Appropriations Committee has approved $750,000 for the President's Commission on Civil Rights to spend in the fiscal year beginning July 1.

But the committee refused the President's request to give the commission $200,000 in new funds for the remaining three months of this fiscal year. The lawmakers said "adequate" funds are now available for the remaining months.

* * *

THE $750,000 is the full amount requested by the President.

The measure now goes to the House floor which last month blocked approval of the White House appropriation bill in order to give the administration a chance to justify funds for the new commission.

The Committee earlier had refused to give the commission any money at all on the grounds that the Civil Rights group was not sufficiently organized to justify approval of the money.

HURDLE LIES AHEAD

Republican From East Picked For Rights Post

By FRANK CORMIER

WASHINGTON (AP) — The new Civil Rights Commission inched closer to full operation Wednesday when a Senate Judiciary subcommittee approved Gordon M. Tiffany for the key job of commission staff director.

President Eisenhower's nomination of the New Hampshire Republican still faces a tortuous course, however, before it can be considered by the Senate. It first must clear the full Judiciary Committee, dominated by foes of civil rights legislation.

Tiffany told newsmen the commission won't get into full operation until the Senate acts on his appointment to the $22,500-a-year job.

The commission's assignment is to investigate sworn charges of denial of voting rights becase of race, creed or color and to study the whole field of federal jurisdiction in civil rights matters. It was created by the 1957 civil rights law and must complete its work by September 1959.

The subcommittee approved Tiffany's nomination 5-2 after a public hearing. Chairman Hennings (D-Mo) said he would seek prompt action by the full Judiciary Committee, headed by Sen. Eastland (D-Miss).

Tiffany's name was submitted to the Senate on Feb. 20.

The Concord, N.H., attorney told the subcommittee he is not an expert on civil rights. But he said he regards the staff director's post as a most important job.

The job is significant both at home and abroad," he testified "Whatever process is made will result from patience and understanding, and will prove to ourselves as a people and the world at large that we believe and practice the fatherhood of God and the brotherhood of man."

Sen. Ervin (D-NC), the only Southern senator at the hearing, questioned Tiffany closely about his philosophy.

In reply to one inquiry by Ervin about the use of troops to enforce court orders for school integration Tiffany said force should be invoked only as a last resort.

Tiffany told Ervin the commission is not concerned with enforcement or prosecution, that its job is one of inquiry.

Funds Voted For Rights Commission

WASHINGTON, Mar. 28 (AP) —The House Appropriations Committee voted $750,000 today to finance the government's new Civil Rights Commission, ending a month-long delay.

The action cleared the way for House approval of an appropriation bill to run the White House and other executive offices in fiscal 1959. The House had refused to approve the executive money bill until the committee included funds for the Civil Rights Commission. Including the commission's money the bill totals $15,-558,870.

Rights Body Cannot Aid Prisoners

The Civil Rights Commission has received a batch of mail that it isn't quite sure what to do about.

It consists of more than a score of letters from inmates of prisons and mental hospitals who complain that they are being illegally held in violation of their civil rights.

This is the sort of letter that flows steadily into the courts, which can free the applicant on a writ of habeas corpus if his complaint has merit. The Commission has no such power and isn't sure whether such individual complaints fit into its investigative assignment.

The Civil Rights Act of last year instructed the Commission to investigate sworn written complaints that persons have been denied the right to vote because of race. Only a handful of voting complaints have been received (there were no elections last fall) and all were reportedly defective as unsworn or too vague. In any event, this specific field of investigation does not include prisoners.

The Commission also has been given general assignments to collect information "concerning legal developments" that deny civil rights and to appraise adequacy of Federal laws to protect civil rights. The Commission staff doubts that individual complaints from prisoners fits the term "legal developments." It is generally considered to mean laws or practices that violate group rights.

So far, the Commission has not investigated anything. It doesn't have an investigative staff yet.

Senate OK Seems Sure For Civil Rights Chief

WASHINGTON, April 20 (AP)—Gordon M. Tiffany's nomination to be staff director of the new Civil Rights Commission appears headed for Senate approval soon.

Sens. Edvin (D., N. C.) and Olin D. Johnston (D., S. C.) said today they had decided against trying to hold up Tiffany's confirmation for the $22,500 a year job.

They explained in separate interviews that they felt further delays in getting the commission into operation would only intensify demands next year for extending its life.

Tiffany's nomination, submitted by President Eisenhower Feb. 20, was approved by a Senate Judiciary subcommittee 5-2 after a hearing April 2.

A meeting of the full judiciary committee has been scheduled for tomorrow, and Chairman Eastland (D., Miss.) said the nomination of the former New Hampshire attorney general is on the agenda.

Ervin and Johnston, who voted against confirmation in the subcommittee, said they expect the full committee to approve the nomination tomorrow despite their opposition. This would open the way for Senate confirmation a day or two later.

Both Ervin and Johnston said they had concluded that the best course would be for them not to try to block action.

The six-member Civil Rights Commission was created by Congress last year in passing the Civil Rights bill.

Another nomination awaiting judiciary committee action is that of W. Wilson White to be an assistant attorney general in charge of a new civil rights division in the Justice Dept. This post also was created by the Civil Rights Act.

Rights Group To Set Up State Boards

WASHINGTON (AP) — The Civil Rights Commission voted unanimously Saturday to set up grass roots sounding boards in every state.

The advisory committees will make recommendations to the commission on civil rights matters and give their opinions on interim and final reports of the commission.

State committees are expected to be formed within six weeks in Michigan, Texas, Illinois, Virginia and Indiana—home states of Civil Rights Commission members — and in New Hampshire, home state of Gordon M. Tiffany, nominated to be the commission's staff director.

HANNAH'S COMPLAINT

Before the commission met, Dr. John A. Hannah, chairman, told a newsman tactics of the Senate Judiciary Committee have handcuffed commission operations. He was referring specifically to the delay in confirming Tiffany, former New Hampshire attorney general, to the $22,500 staff director post.

But Dr. Hannah said he understood Tiffany's approval was imminent and that Tiffany's name would be placed on the Senate consent calendar Monday. If that happens, confirmation would be automatic unless one member of the Senate objects. Tiffany has been acting as a consultant.

The staff director will have a key role in commission activities and will be a full-time employe.

Appointments of top staff members are expected to be announced shortly after action on the director's confirmation.

The state committees will have five to nine members who will get no pay but will be allowed expenses.

After committees have been formed in the initial group of seven states, a time table will be set up for establishing groups in the remainder of the states and possessions and in Puerto Rico.

PERIOD FOR COMPLAINTS

The commission decided the period of focus for complaints on voting rights and voting procedures will be limited to the span from the fall elections of 1956 to June 1, 1959. The commission must present its final report to Congress and the President in September 1959.

Advising Rights Units Planned

By Richard L. Lyons
Staff Reporter

The Civil Rights Commission decided yesterday to create citizens advisory committees in each state to help the Commission assess the civil rights picture across the Nation.

The committees will serve as local eyes and ears of the Commission, receiving and passing on to it word of voting violations, reporting on local conditions that violate other rights and suggesting ways to solve problems.

As outlined after yesterday's closed monthly meeting, the role of the state committees would be largely advisory. The Commission also hopes local communities will set up organizations to discuss and try to solves their racial problems.

Five to Nine Members

State committees will be appointed by the Commission. Membership will range from five to nine, depending on population. The commission said it will welcome recommendations for appointments from any organization in a state.

The Commission hopes to have the state committees operating within two months. One will be named in the District. But Washington has no voting problem which is a major part of the Commission's work.

Congress created the Commission in the Civil Rights Act last year to investigate complaints of voting rights violations and to assess the national civil rights picture and the need for more protective legislation.

The Commission has spent a third of its two-year life span trying to get born. It still has less than half a dozen of an expected 70-member staff and has not investigated any complaints.

The usual delays of launching a new government body have been complicated by the need for Senate confirmation of Staff Director Gordon Tiffany, New Hampshire lawyer. The Senate is expected to approve him this week after a two-month delay. The Commission has held up appointing a staff until its chief is approved. Chairman John A. Hannah said yesterday this has delayed the investigative and other work.

Most of the top staff jobs will be filled as soon as Tiffany clears the Senate. The Commission has received about 500 job applications, has interviewed more than 100 and is satisfied with "a couple of dozen."

Two Other Decisions

The Commission made two other policy decisions yesterday:

- Voting complaints will be accepted until June 1, 1959. The cut-off date is to give the Commission time to investigate and prepare its report by its Sept. 9 deadline. It will accept complaints alleging violations that occurred after Jan. 1, 1956.
- There will be no gag rule to prevent any member of the Commission or staff from talking about the Commision's role and work. "Everybody is on his own," said Tiffany. "Implicit in this is a recognition of the fact that a staff is being hired on the basis of judgment and objective approach," he said.

make recommendations to the commission on civil rights matters and give their opinions on interim and final reports of the commission.

State committees are expected to be formed within six weeks in Michigan, Texas, Illinois, Virginia and Indiana—home states of Civil Rights Commission members — and in New Hampshire, home state of Gordon M. Tiffany, nominated to be the commission's staff director.

'OPERATIONS HANDCUFFED'

Before the commission met, Dr. John A. Hannah, chairman, told a newsman tactics of the Senate Judiciary Committee have handcuffed commission operations. He was referring specifically to the delay in confirming Tiffany, former New Hampshire attorney general, to the $22,500 staff director post.

But Dr. Hannah said he understood Tiffany's approval was imminent and that Tiffany's name would be placed on the Senate consent calendar Monday. If that happens, confirmation would be automatic unless one member of the Senate objects. Tiffany has been acting as a consultant.

The staff director will have a key role in commission activities and will be a full-time employe.

NO PAY FOR MEMBERS

Appointments of top staff members are expected to be announced shortly after action on the director's confirmation.

The state committees will have five to nine members who will get no pay but will be allowed expenses.

After committees have been formed in the initial group of seven states, a time table will be set up for establishing groups in the remainder of the states and possessions and in Puerto Rico.

RIGHTS GROUPS WILL BE NAMED

Commission Plans Grass Roots Sounding Boards

WASHINGTON (AP) — The Civil Rights Commission voted unanimously to set up grass roots sounding boards in every state.

The advisory committees will

Tiffany Approved For Rights Post

By ROULHAC HAMILTON
Washington Correspondent

WASHINGTON (Special) — The Senate Wednesday afternoon overrode opposition of Senators Olin D. Johnston and Strom Thurmond and 11 other Southerners and confirmed 67-13 the nomination of Gordon M. Tiffany of New Hampshire to be staff director of the Civil Rights Commission.

The action, which was regarded as a foregoing conclusion, apparently clears the way for the six-man commission named by President Eisenhower under terms of the so-called Civil Rights Law enacted last year, to get down to business.

FORMER ADAMS AIDE

It has been largely idle thus far, reportedly because of the fact it had no staff director. Tiffany, former attorney general of New Hampshire in the gubernatorial administration of President Assistant Sherman Adams, has been serving as a consultant to the commission since his nomination was sent to the Senate more than two months ago.

Johnston and Thurmond based their outspoken opposition to Tiffany in large part on the fact that he had indicated he would approve use of force "as a last resort" to enforce court orders concerning civil rights. Also stated by both in speeches on the floor was their belief that the Civil Rights Commission is unwise and unnecessary and the law creating it unconstitutional.

Johnston, a member of the Judiciary Committee which recommended the Tiffany nomination be confirmed, told the Senate he had been "struck by a lack of frankness" on the part of the New Hampshire man when asked his views on use of troops and force to enforce civil rights.

But he said the committee finally succeeded in pinning Tiffany down to the admission that he thought such action would be warranted as a "last resort."

Thurmond, too, noted Tiffany's reluctance to answer questions about his views on troop use, and also pointed out, in answer to a question as to what would constitute a "last resort," had said that was something that would have to be decided by the President.

TROOP USE QUESTION

"In short," said Thurmond, "Mr. Tiffany holds that if the President believes the use of force is justified. . . . then the President should use force."

Johnston charged that the Civil Rights Commission "Can only be the instrument of civil strife, set up group against group, create divisive activities under the pretense of promoting equality, and eventually become an election-year political device for vote-baiting so-called minority groups."

And he added "nothing good will come from this nomination except woes in the field of race relations."

Thurmond said the commission could prove to be a potent force in establishing federal policy, but that he hoped this would not occur, "Because I believe that this commission can do no good and may do much harm. . . create dissension and divide our people in this period when unity is so urgently required."

Rights Group To Start Work

WASHINGTON, May 16 (U.P.)—J. Ernest Wilkins, Negro member of the Federal Civil Rights Commission, said today the group will go to work next week to discover whether Negroes have been denied the right to vote.

He said the long delay in Senate confirmation of the commission's executive director, Gordon M. Tiffany of New Hampshire, put the six-member group behind in its work. Tiffany was approved Wednesday.

Wilkins also predicted that Southern states eventually will "have to give in" to the Supreme Court's school integration order.

Wilkins, who also is assistant secretary of labor for international affairs, made the statements in an interview on the eve of the fourth anniversary of the high court's May 17, 1954, decision which declared school segregation unconstitutional.

The 64-year-old official, a Phi Beta Kappa at the University of Illinois and a leading Methodist layman, said some Southern states have "malingered and stalled" to maintain segregated classrooms in defiance of the high court ruling. But he said "in the final analysis" they will have to obey.

IKE IS CENSURED ON CIVIL RIGHTS

AJC Also Charges In action in Mideast

By DOUGLAS B. CORNELL

MIAMI BEACH, Fla. (AP) — The American Jewish Congress fough over nuclear weapons tests Sun day. But it adopted unanimously resolutions criticizing the Eisen hower administration's stand o civil rights and Middle East is sue.

Then, with the election of Dr Joachim Prinz, Newark, N.J., rab bi, as its new president, the AJC closed its national convention.

Resolutions hammered at what the AJC called the administration's neutral attitude on racial segregation and its inaction on an Arab boycott of Israel and recent bombings of Jewish synagogues and community centers in the South.

ASK IKE TO ACT

These translated into action a theme that has run through the conven-

The AJC called on President Eisenhower to demonstrate "moral leadership inherent in his office by condemning publicly" what it said is a campaign of suppression and persecution in the South against the National Assn. for the Advancement of Colored People.

The organization urged strict, uncompromising adherence to the principle of separation of church and state. It recorded a belief that "the religious education of children is a responsibility of parents, churches and synagogues and may not be delegated to any public agency, including the public school system."

TILT OVER A-ISSUE

A brisk battle broke out over a compromise resolution which wound up as little more than a prayer for a swift, effective solution to the international issue of ending nuclear weapons tests.

A minority, which tried unsuccessfully to kill the resolution, contended the AJC has no business taking a position on the subject.

The resolution urged Eisenhower and congress to protect the national security, and seek "effective solutions, step by step."

It also urged that the government, consistent with security, give the American people the fullest possible information on the problem.

In a brief address accepting the presidency, Prinz called for a reinterpretation of the U.S. good neighbor policy toward the Western Hemisphere in the light of riots attributed to Communist leadership during Vice President Nixon's Latin-American tour.

Each State To Get Civil Rights Unit

To Keep Watch On Voting Rights

WASHINGTON, Apr. 26 (AP).—The Civil Rights Commission voted unanimously today to set up grass-roots sounding boards in every state.

The advisory committees will make recommendations to the commission on civil rights matters and give their opinions on interim and final reports of the commission.

State committees are expected to be formed within six weeks in Michigan, Texas, Illinois, Virginia and Indiana—home states of Civil Rights Commission members—and in New Hampshire, home state of Gordon M. Toffany, nominated to be the commission's staff director.

Before the commission met today, Dr. John H. Hannah, chairman, told a newsman tactics of the Senate Judiciary Committee have handcuffed commission operations. He was referring specifically to the delay in confirming Mr. Tiffany, former New Hampshire Attorney General, to the $22,500 staff director post.

Approval Imminent

But Dr. Hannah said he understood Mr. Tiffany's approval was imminent and that Mr Tiffany's name would be placed on the Senate consent calendar Monday. If that happens, confirmation would be automatic unless one member of the Senate objects. Mr. Tiffany has been acting as a consultant.

The staff director will have a key role in commission activities and will be a full-time employee. Appointments of top staff members are expected to be announced shortly after action on the director's confirmation.

The state committees will have five to nine members who will get no pay but will be allowed expenses.

After committees have been formed in the initial group of seven states, a time table will be set up for establishing groups in the remainder of the states and possessions and in Puerto Rico.

Recommendations made by the state groups to the commission will not be binding. The committees will meet at the call of their chairman or a majority of the members.

Seek Nominations

Nominations for the state committees will come to the commission from groups such as business, religious, racial, academic, labor, farm, women's and press organizations.

As a courtesy, elective state officials will be consulted on committee appointments. But a commission spokesman stressed the appointments will not be made nor held subject to approval by state officials.

At today's meeting, the sixth for the commission, it was decided the period of focus for complaints on voting rights and voting procedures will be limted to the span from the fall elections of 1956 to June 1, 1959. The commission must present its final report to Congress and the President in September, 1959.

Civil Rights Commission: A Progress Report

AFTER last year's big fight over the civil rights bill, we've heard surprisingly little in recent months about the Civil Rights Commission so created.

One reason for this is the shortage of business—there haven't been any recent elections to investigate. Another is that the commission has been busy getting things ready before the doors are opened.

Under provisions of the 1957 Civil Rights Act, the commission has the authority to investigate sworn complaints that voting rights have been violated, study legal developments that, it is alleged, deprive persons of equal protection of the laws and appraise the adequacy of existing civil rights legislation.

Just the other day, the commission adopted an organization chart which indicates what kind of business is expected. The commission's staff will be divided into five sections. Their duties and responsibilities were summarized by *The Washington Post* as follows:

¶ Reports & Analysis—The front office public contact of about a dozen employes who would receive and an-

swer all communications including complaints and channel them to the experts.

¶ Survey—The field men who would investigate complaints (and be thrown in jail if they persisted in their efforts in Barbour County) and other matters the commission may deal with. The tentative plan is to have five three-man teams with a lawyer and two legmen each.

¶ Legal — A dozen or so lawyers including six who would be legal assistants to each of the commissioners. They would check complaints to determine whether voting laws had been violated and would make the studies of the adequacy of existing laws and developments depriving persons of rights.

¶ Secretariat—A liaison group of two or three persons maintain contact between the commission staff citizens advisory groups and special consultants.

¶ Planning & Research—A group of perhaps a dozen students of the civil rights problem, probably educators, who would study areas in which the commission could make a contribution and get people around the country interested in helping.

Staff Director George M. Tiffany had proposed only four sections. The commission, under Chairman John A Hannah, added Planning & Research —a beginning in the finest bureaucratic tradition.

Proposed pay for the section chiefs is $12,000 a year. The staff, like the commission, is to be fully integrated—not only racially but geographically and politically.

So much for the preliminaries. Watch for the Grand Opening soon.

By the way, the commission shouldn't have to look far for its first customers, what with a job discrimination boycott looming in Washington.

Civil Rights Commission Advisory Groups Named

By LOUIS LAUTIER

WASHINGTON, D. C. — (NNPA) — The Civil Rights Commission, at its meeting Tuesday approved Advisory Committees for the States of Texas and Indiana.

Each advisory committee included one colored person in its membership. The colored member of the Texas Advisory Committee is Mack Hannah, Jr., of Port Arthur, Tex. He is chairman of the board of Texas Southern University, is a real estate operator and deals in investments.

The colored member of the Indiana committee is Rufus C. Kuykendall, an attorney, of Indianapolis.

Dean Robert G. Storey of Southern Methodist Law School, a member of the commission, announced the membership of the Texas Advisory Committee.

In addition to Mr. Hannah, its members are: Col. William B. Bates, chairman of the board of the Bank of Southwest, Houston; Robert Lee Bobbitt, lawyer, former attorney general of Texas, San Antonio; J. S. Bridwell, oil and ranching, Wichita Falls; Maurice R. Bullock, lawyer, former president of the Texas State Bar, Fort Stockton; Jerome G. Crossman, president of Ryan Petroleum Corp., and former president of the Dallas Chamber of Commerce, Dallas.

Dr. Umphrey Lee, chancellor, Southern Methodist University; Judge Thomas B. Ramey, chairman of the State Board of Education and a lawyer, Tyler, and Dr. M. E. Sadler, president of Texas Christian Univeristy, Fort Worth.

INDIANA COMMITTEE

Father Theodore M. Hesburgh, president of Notre Dame University and a member of the commission, announced the members of the Indiana Advisory Committee.

In addition to Mr. Kuykendall they are John Scott, vice president of Truth Publishing Co., and former mayor of South Bend, Elkhart; William Blake, public relations director for Inland Steel, Munster; Hilliard Gates, assistant manager of WKJB-TV, Fort Wayne; Stanley Hamilton, field supervisor of the National Farmers Union, former secretary of the Rural Life Association, Richmond.

D. Mead Johnson of Mead Johnson (pharmaceutical) Co.; William J. Regan, attorney and former president of the Gary Bar Association, Gary; Dallas Sells, president of the Indiana Congress of Industrial Organizations, Anderson, and Mrs. John T. Windle, vice president of the League of Women Voters, Madison.

Other state advisory committees are in the process of being organized. Gordon M. Tiffany, staff director of the commission, said the preliminary reports are good.

"That the general feeling in this is the concern of all of us appears very evident from the reports of the states that have been contacted up to the present time," Mr Tiffany said, adding:

"It is very encouraging. The men and women showing this interest are big men and women in their communities and states, men of the first order."

Asked when the advisory committees will begin operating, Dean Story replied: "We hope right away."

"Doing what?" a reporter asked.

Dean Story pointed out that the Civil Rights Act of 1957 provides that the commission "may" set up advisory committees in the states.

"As to those committees," he said, "we feel they can be helpful in finding facts and submitting conclusions or ideas, in making recommendations to the commission on anything within the jurisdiction of the committee, and ultimately we might ask the advisory committees in the several states to review reports that might be released by the commission from time to time."

OVER DIXIE PROTEST

Senate Approves 'Rights' Director

WASHINGTON, May 14 (INS)—The Senate rejected protests of Southerners today and approved President Eisenhower's appointment of Gordon M. Tiffany as staff director of the Civil Rights Commission. The vote was 67 to 13

* * *

Opponents of the nomination charged that Tiffany, a former New Hampshire attorney general, is biased against the South and will only aggravate racial tensions.

Sen. Richard B. Russell (D-Ga) said he had hoped the important post of staff director for the Civil Rights Commission would be filled by a man of national prestige who would "inspire confidence."

Russell, who led the unsuccessful fight last year against the bill setting up the commission, charged that Tiffany fails to meet this standard and instead is a "man of preconceived ideas."

Chairman James O. Eastland (D-Miss) led off the fight against Tiffany by declaring the use of troops at Little Rock is no more forgiveable than the Communist riots in Budapest.

Eastland said he did not think Tiffany a Communist, but he said that the nominee by such actions as "inviting a Communist front to give him information" has shown he is clearly disqualified to direct the commission's investigation of civil rights offenses.

Sen. Norris Cotton (R-NH) denied as "absolutely preposterous" any suggestion that Tiffany has been "soft on communism." He declared that Tiffany drafted New Hampshire's present anti-subversive act.

VOTING AGAINST Mr. Tiffany's confirmation were Sens. Russell and Talmadge (Ga.), Byrd and Robertson (Va.), Eastland and Stennis (Miss.), McClellan and Fulbright (Ark.), Johnston and Thurmond (S.C.), Hill and Sparkman (Ala.), and Ellender (La.)

Senator Eastland's bid to inject the issue of communism into the matter failed as Dixiecrats were smothered in a broadside of votes favoring Mr. Tiffany's confirmation.

Arguments used against the civil rights official were basically the same as those used against the establishment of the Civil Rights Commission by Southerners.

A clear-cut victory was almost assured for Tiffany from the outset as Dixiecrats failed to muster sufficient strength to put up anything more than a weak effort toward blocking the confirmation.

In his argument, Eastland mentioned Tiffany's connection as a lawyer suspected of be-being "subversive." Talmadge was vociferous in his criticism of Tiffany and Russell said he was disappointed that "a man of greater stature" was not chosen for the position. He added:

"The race problem will not be solved by the commission or the courts or all the paratroopers in the U.S. Army."

Stennis declared that a man with "a broader understanding of the problems" was needed for the job.

SENATOR HOLLAND D., Fla.), voted to confirm Tiffany with the comment, "Senator Smathers of Florida and I do not want to obstruct the duties of the commission even though we opposed its creation."

Maryland's Senator Butler was not present. New York Republican Senator Javits commended Tiffany as "a man of stature" and added that today was no time for rearguing the whole civil rights case.

Senator Johnston blasted University Law School. He is what he termed Tiffany's "lack married, has two children and of frankness and evasive, non- resides in Concord, N.H. responsive answers", under His position as staff director questioning of the Senate Judi- of the Civil Rights Commission ciary Committee earlier. pays $22,500 a year.

Tiffany, a Navy veteran, is 45 years old, a graduate of Yale University and Columbia

Dixiecrats beaten; Tiffany confirmed

WASHINGTON

Southern opposition in the Senate was swamped Wednesday as that body confirmed the nomination of Gordon M. Tiffany of New Hampshire to head the Civil Rights Commission by a vote of 67-13.

It was speculated that stands taken by organizations attending the recent summit conference of colored leaders here figured in Mr. Tiffany's confirmation as staff director of the civil rights unit.

Efforts by 13 Dixiecrat senators against the nomination of Mr. Tiffany proved futile as all the Republicans present and several lawmakers from Texas, Tennessee and Florida joined forces in the New Hampshire lawyer's confirmation.

Ike's Budget Asks $750,000 For Rights

WASHINGTON, D. C.—(NNPA)—The Federal budget for the fiscal year beginning July 1, recommended to Congress by President Eisenhower Monday, proposes and asks appropriation of $750,000 for the Civil Rights Commission.

The requested appropriation would cover expenses of the Commission, including expeness of attending meetings concerned with civil rights.

The Commission is charged with the duty of investigating charges that citizens are being deprived of their right to vote, collecting information concerning legal developments constituting a denial of equal protection of the laws under the Constitution, and appraising laws and policies of the Federal Government on equal protection of the laws.

The Commission's final report to the President and Congress is due by September 9, 1959. It ceases to exist 60 days after submission of the report.

The budget of $750,000 would provide salaries the full-time equivalent of 75 positions. The amount allocated to salaries is $500,000. Members of the Commission, who are not in the Federal service, receive $50 a day for each day devoted to its work.

Only one member, J. Ernest Wilkins, an Assistant Secretary of Labor, is in the Federal service. He will receive no pay for his work on the Commission, but he will be reimbursed for actual and necessary travel expenses and is allowed a per diem of $12 in lieu of actual expenses for subsistence.

The staff director of the Commission, who has not yet been selected, will receive a salary of $22,500 a year.

In addition to salaries, other items in the budget are travel, $40,000; transportation of things, $5,000; communication services, $8,000; rents and utility services $8,000; printing and reproduction $40,000; other contractual services, $40,000; supplies and materials, $10,000; equipment, $5,000, and taxes and assessments, $4,000.

President Eisenhower has allocated $200,000 from his emergency fund for its operations to the beginning of the next fiscal year when its appropriation will be available.

Crash Programs and Civil Rights

The urgency with which national defense issues are viewed in Washington is in remarkable contrast with the new complacency on civil rights. Attorney General William Rogers favors "a cooling-off period." The decision of the Fifth Circuit Court of Appeals, reversing a lower court ruling in which the Dallas school authorities had been ordered to proceed with desegregation at the mid-term, reflects the same attitude. And the noise the Democrats are making about missiles and outer space serves as a fine cover for their lack of unity on civil rights. Moreover, both the Executive branch and Congress have a built-in alibi for soft-pedaling civil rights. Petitions, complaints and demands for action can now be referred to the new Civil Rights Commission for "study and recommendation." Consisting of six members deliberately chosen for their devotion to the cause of moderation, the commission is not likely to break many lances crusading for civil rights. Three of the six are Southerners, and of these, two—John S. Battle, former Governor of Virginia, and Doyle E. Carlton, former Governor of Florida—are "moderate" segregationists.

The nearly universal consensus that the commission is ideally constituted seems to rest on two propositions: that only a group of moderates would be confirmed by the Senate; that situations of conflict can best be resolved by muffling the sources of conflict. If true, the first proposition should be a warning that the commission will not offend the Dixiecrats; the second proposition, unhappily, is not sustained by the record. Minorities have usually won recognition of their rights by a process not unlike collective bargaining in which, if the true moderate is to be effective, he must be flanked by a few so-called "extremists" who can invest his moderation with bargaining power. Six moderates do not need to bargain; they are agreed that desegregation should proceed "with all deliberate" moderation —the more deliberate the better. There will be no "crash" program on civil rights. All the same, the issue is dynamic and it will not be easy to secure "a cooling-off" period or to freeze the status quo.

Civil Rights Panel of 6 Is Sworn In

Fund Advanced By Eisenhower

By Don Irwin

WASHINGTON, Jan. 3.—President Eisenhower got the new Civil Rights Commission off to a deferred start today at a swearing-in ceremony in the Presidential office, then followed it up with a $200,000 advance from White House emergency funds.

The sixth-member commission, which held its first organization meeting this afternoon, is likely to find the cash advance important. Congress, which authorized its creation last summer, failed to provide any funds for its work. An appropriation will be sought at the new session that starts Tuesday. The Senate must also confirm the group's membership, which is serving under interim appointment.

The commission of three Southerners and three Northerners, all known as moderates, started from scratch in an empty office suite toward its assigned task of investigating civil rights violations and weighing the need for new legislation in the field.

The office, in a building near the White House, lacked all but basic equipment—and there was not a single employee on the scene.

Correction on this condition was the first order of business at the groups two-hour closed meeting. Dr. John A. Hannah, the commision's chairman, said there was agreement on a panel of "several" lawyers acceptable to all members as potential staff directors for the group. The panel was referred to the White House for Mr. Eisenhower to pick a candidate, for the enabling act requires that the director serve under Presidential appointment.

Dr. Hannah said the group would reconvene next Friday, by which time members are hopeful that one of the individuals on the panel will be found to be "available" for the $22,500-a-year director's job.

Sworn by Adams

White House interest in the commission's task was symbolized by Mr. Eisenhower's decision to have the members sworn in in his office. The oath was administered to the group by Sherman Adams, the Assistant to the President, as Mr. Eisenhower looked on with interest. The President then sat in at a brief official meeting conducted by the group at the White House before the members lunched wit hMr. Adams and other members of the White House staff.

The President preceded his session with the Civil Rights Commission by attending a Cabinet meeting dealing mainly with his coming State-of-the-Union message to Congress. He left the White House by car early this afternoon to pass the week end at his Gettysburg, Pa., farm.

The importance attached by the Administration to the commission's mission was underscored by Attorney General Willia mP. Rogers in an appearance before a National Press Club luncheon. He reemphasized past assertions that the Administration will await the commission's recommendations before submitting new civil rights proposals and urged a "cautious and deliberate" attitude in discussing the problem. The commission has until Sept. 9, 1959, to make its final report.

A Civil Rights Milestone

(From The New York Times)

The Civil Rights Commission of the United States has been duly sworn in and has begun its operation. It is authorized by law, created by act of Congress, and becomes an integral part of our approach, through government, to some of our critical problems. They will not be solved, or even changed, by this one act or this one day, but a milestone should be marked. The effort to reach solution is being made and this is part of the long and complex road to it.

This first commission should inspire confidence by its membership. It is bi-partisan, or even non-partisan, since one member is called an "independent." It derives from both North and South, in appropriate balance. It has a most distinguished chairman, Dr. John A. Hannah, president of Michigan State University. The members are persons of distinction in public service. They are now continuing in that role.

The functions of this group are primarily to study and to recommend. It is not, and was never intended to be, an administrative body. If we do not have, in the established instruments of government, the appropriate agencies to deal with a problem even as complex as this one, we have failed in the rudiments of political science.

But much more is needed now, than court decisions and executive actions. They have been required in the past and will be again. The idea of a permanent authorized commission, as part of the whole legal framework, however, goes beyond one case, one decision or one incident. Its establishment is part of a long-range effort to establish a sensible and orderly method of approach to questions that have sometimes, unhappily, involved a lack both of good sense and good method in their immediate impact on our society.

What we call "civil rights" is a heritage of several cen turies of political and social evolution. We have engraved some of those rights into the fundamental law of our land. We have declared that they may not be imperiled or abridged. That is the tradition of freedom that we seek to embrace and to uphold. It has not always been easy to live up to this heritage or adequately to defend it.

If we lived in an ideal society a "commission" on civil rights would be unnecessary. The rights would be so completely taken for granted that any survey of them would be superfluous. But our society is far from ideal. There are conflict and confusion, mistrust and doubt. What we really wish to do, as a whole body of persons in the human frameowrk, is not always clear. Hence it is valuable to have a designated group to call attention to this need, to help to resolve the doubts and confusions and to assist in problem-solving.

The New Commission's Opportunities

(From The Christian Science Monitor)

The new Civil Rights Commission has been sworn in, has met appropriately with the President, and has held its first organizational meeting.

The gap left by the withdrawal of retired Supreme Court Justice Stanley F. Reed seems satisfactorily bridged. Mr. Eisenhower has named as chairman an able Northerner and Republican, President John A. Hannah of Michigan State University, and as vice-chairman a Southerner and Democrat, Dean Robert G. Story of Southern Methodist Law School.

One of our esteemed contemporaries has commented that the commission must now proceed to enforce integration—that there is nothing else for it to do, and that since it is evenly balanced between North and South it will soon be on dead center.

There is a great deal else for it to do. Enforcement of desegregation, in fact, is the province of the Justice Department and of the federal district courts. And the fact that the commission is balanced between North and South should help greatly in its potentially most valuable role: that of allaying excessive fears and mapping common ground.

At base the problem is one of social adjustment rather than of legal "enforcement." How fast and how far is it realistic to expect the process of desegregation to proceed? What is the least and the most this nation should expect of itself and of its several regions? What goals are reasonable and defensible for the Negro; what lines of no retreat reasonable and defensible for the white?

These are questions which neither mob violence nor military force can answer. But by providing a conspicuous and respected forum, having itself official status and power to elict facts, the commission should succeed in bringing needed light into a deep and somber chasm.

Would Compel School Mixing

WASHINGTON, Feb. 10 (AP)—A bipartisan group of 16 senators introduced a new civil rights bill in the Senate today. It may touch off a new North-South fight over racial issues. Congress struggled for months during the last session before passing the first civil rights legislation in 82 years.

The Eisenhower administration has said it won't sponsor new legislation this year but Atty. Gen. Rogers has indicated the President would sign a bill restoring provisions knocked out of last year's measure.

The new bill, backed by 10 Northern Democrats and 6 Northern Republicans, is designed to encourage racial integration of schools. It would compel compliance with Supreme Court rulings in that field if necessary.

GIVES AUTHORITY

Another provision would arm the attorney general with authority to seek federal court injunctions for the protection of civil rights generally. This was one of the provisions cut out of last year's legislation.

Sen. Douglas (D-Ill), one of the bill's leading supporters, held a news conference to outline the aims of his group.

"We are not going to jockey for party advantage," he said. "We are going to push for enactment of the bill."

SAYS BILL NEEDED

Sen. Javits (R-NY), sitting beside Douglas, said he was there as evidence of the bipartisanship. He added that he feels the civil rights bill is needed to improve domestic conditions and strengthen the nation's position in international relations.

Proponents of civil rights legislation, Javits said, are constantly told they should not press for further action at this time, since they gained ground on the issue last year.

"We haven't too much time," he said, when nations around the world "have us under constant observation."

MANY CONCERNED

Another sponsor, Sen. Neuberger (D-Ore), said that in his state thousands of people are concerned with our relations with the people of the Orient and feel that civil rights legislation should set an example of nondiscrimination.

As yet there was no comment from Southern senators, who traditionally line up against civil rights legislation.

The new bill would authorize appropriation of 12½ million dollars over the next five years for federal assistance to states and local government units in developing community understanding and plans for public school integration.

FURTHER GRANTS

Further federal grants of 40 million dollars a year for each of the next five years would be authorized for school buildings, additional teachers and other costs incident to eliminating racial segregation.

Under this section, Douglas said funds could be made available to local communities that wish to comply with the Supreme Court's decisions but where, as in Georgia and Virginia, the state threatens to cut off funds or close the schools.

Should efforts to achieve voluntary compliance fail, the secretary of health, education and welfare would be empowered to draw up school integration plans.

In the event that these plans are ignored by state and local officials, the attorney general would be authorized to seek federal court orders to enforce compliance.

The civil rights law of 1957 limits such injunctive relief to the protection of voting rights.

Civil Rights Commission

Northerners Coy, But Southerners Talkative!

Courier
Pittsburgh, Pa.
Sat, 1/25/58 p.3

By ALICE DUNNIGAN

WASHINGTON (ANP)—The Civil Rights Commission swung into action immediately after the members had taken the oath of office. The swearing-in ceremonies were held in the Chief Executive's office in the White House. Sherman Adams, assistant to the President, administered the oaths, after which the President presented each member with a certificate of commission.

In a brief press conference following the formal swearing-in ceremony, the chairman, Dr. John A. Hannah, announced that the President had allocated $200,000 from his emergency fund to keep the commission moving until Congress appropriates operation funds.

Dr. Hannah went into the first meeting with a spirit of optimism. He said the President had wished them well and that he believed the Northerners and Southerners would get along very well. "All are able men," he added, "and I expect we will get along very well."

■

THE COMMITTEE went into its executive session soon after with the chief aim of appointing a staff director.

J. Ernest Wilkins, assistant Secretary of Labor, and the only Negro member of the commission, had little to say about the group. In his usual diplomatic manner he contended that any statement should come from the chairman.

Following the two-hour closed-door meeting, Chairman Hannah, president of Michigan State College, stated that the commission had approved several names for the President's consideration to serve as staff director. The final decision will have to come from the President, he emphasized.

He referred to this first meeting as sort of a get-acquainted meeting, but he added, they did discuss the general objectives of the commission and its purpose. He said the commission's program would follow the outline as it appears in the bill itself, studying first the infringement of voting privileges.

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EACH OF the three Southern members came out of the meeting apparently as pleased as punch. John S. Battle, former Governor of Virginia, called it a "pleasant experience," and with a smile he added, "everybody was on his best behavior."

The newest member, Doyle E. Carlton, former Governor of Florida, said, "None of us expected this to be done overnight." But, he admitted, "the spirit of good will was evident and we will make progress." When asked if he meant progress toward integration, he quickly explained that he was referring to "better understanding between the races."

The third Southern member, Robert G. Storey, dean of Southern Methodist University Law School of Dallas, spoke frankly of the meeting to reporters from Texas papers. Only the two Northern members — other than the chairman—avoided the press. They were Wilkins and the Rev. Theodore M. Hesburgh, president of Notre Dame.

The commission will meet again next Friday and every two weeks thereafter. The first few meetings will be held in Washington after which the group plans to move out into the field.

Civil Rights Commission Holds First Meeting; The President Attends

Call-Leader, Kansas City, Mo. Fri-1-10-58 p.10

WASHINGTON D. C. — (NNPA) — The Civil Rights commission took the oath of office and held their first meeting Friday.

The oath of office was administered to members of the commission in the office and presence of President Eisenhower by Sherman Adams, the assistant to the President.

Mr. Eisenhower left a cabinet meeting to attend the swearing in ceremony. After the members had taken the oath of office, they remained to talk with the President.

When they left the President's office, they went to the office of Mr. Adams and later attended a luncheon in the conference room at the White House with Mr. Adams and other members of the White House staff.

After the luncheon they went to 726 Jackson place northwest—less than a block from the White House —where commodious office space had been provided for them.

James C. Hagerty, White House press secretary, called the meeting with Mr. Eisenhower informal. He said the President discussed with the members of the commission not only what he hopes but what they think the work of the commission would entail.

Later, Mr. Hagerty made it clear that the commission is an independent body and that the White House will have nothing to do with its work except to send the nominations of its members to the Senate and appoint an executive director upon the recommendation of the commission. The executive director also is subject to Senate confirmation.

Dr. John A. Hannah, president of Michigan State university, attended the oath-taking ceremony and the first meeting of the commission despite the death of his mother, Mrs. Mary E. Hannah, in Grand Rapids, Mich., on New Year's day.

Backlog of Data

Dr. Hannah is the chairman of the commission. He was promoted from vice chairman to chairman after retired Supreme Court Justice Stanley F. Reed resigned because he thought these might possibly be a conflict with his status as a retired justice, subject to recall to duty on the bench, and that as chairman of the commission.

The commission had waiting for it a mass of material which had been sent to it since the White House first announced its membership last Nov. 7. The accumulated material included a letter from Robert B. Patterson, Greenwood, Miss., dated Dec. 4 and addressed to Justice Reed. It read:

"Dear Mr. Reed: We have received your letter acknowledging receipt of our publications and giving us the mailing address of the Civil Rights commission.

"We are mailing you under separate cover six copies of each of all of our publications."

Patterson is the secretary of the Association of Citizens Councils of Mississippi.

Also awaiting the commission were seven large packets of materials, marked "Suggestions For Action," "Personal Complaints," "Voting," "Letters," and "Periodicals Articles Etc."

No Conflict Expected

Dr. Hannah said after the meeting of the commission that he expects the three northern and three southern members to "get along well."

"They are all able men," he told reporters. "I believe we will come to conclusions that will be agreeable all the way around."

"We won't be pushed into something without giving it considerable thought," he said.

President Eisenhower wished the commission well and promised White House cooperation with its work.

Dr. Hannah said the first job will be to set up an office and get a staff, decide how the commission will operate, and then begin a study of cases in which citizens have been denied the right to vote.

Director To Be Named

The six-member bi-partisan commission is charged with the duty of investigating alleged violations of law in the field of civil rights, which involve the right to vote, and making studies and recommendations of the legal developments and policies of the federal government with respect to the equal protection of laws under the federal constitution.

Dr. Hannah said the President gave him a letter authorizing the commission to use $200,000 from the President's emergency funds.

At an afternoon session, the commission considered selection of a staff director. Dr. Hannah said the commission would consider several persons.

The chairman also said the commission would go over material which had been gathered by Justice Reed.

Dr. Hannah said the commission "won't rush" in organizing and that it will meet rather frequently

He planned to return to East Lansing to attend the funeral of his mother Saturday.

The first order of business of the new commission was to find an ashtray as members gathered at desks in their headquarters.

The Rev. Theodore M. Hesburgh, president of Notre Dame university, remarked to former Governor John S. Battle of Virginia:

"The first thing we have to do is to create an ashtray."

The commission then went into a closed session.

Our Opinions

The Commission On Civil Rights

With the swearing in of the Civil Rights Commission, we enter a new phase of governmental functions. Though the Commission has no administrative standing, it was never intended to be thus, it has the necessary legal weight to influence action at the highest level of the federal government.

It is authorized by law, created by act of Congress, and is empowered to investigate, hold hearings, issue subpoenaes and suggest remedial legislation. It is therefore an instrument of government whose scope is sufficiently wide to achieve its end and to live up to the expectations of the enlightened public.

The Commission's recommendations should go a long way toward influencing relevant court decisions and appropriate executive actions. Its establishment, says the New York Times, "is part of a long-range effort to establish a sensible and orderly method of approach to questions that have sometimes, unhappily, involved a lack both of good sense and good method in their immediate impact on our society."

The whole concept of civil rights is nothing novel. It is rooted in two hundred years of social and political evolution. Some of those rights which have been woefully neglected, have long been accepted as inescapable aspects of our democracy and of the fundamental law of the land. The framers of the Constitution had enough prevision to ordain that these rights be not imperiled or abridged. For, they represent in essence the corner-stone of representative government.

In Dr. John A. Hannah, president of Michigan State university, the Commission has a chairman of unquestioned administrative competence and intellectual integrity. But there are other members of the Commission about whom we must reserve judgment. Some of them hold views that are incompatible with the basic premise upon which the agency was created. With their strong sectional bias, it will, no doubt, be difficult for them to be objective and impartial in their resolve. Whether their negativism can be overcome by superior judgment and conviction will be the acid test. In fact the future of civil rights and the freedom implicit in them is in the hands of this body of men. The course of events stirred by their recommendations will determine whether they have fulfilled the promise of American democracy. We shall watch them with an eagle eye.

Rights Unit Still Seeks Director

Three Reject Job As Commission's Start Is Delayed

By Richard L. Lyons
Staff Reporter

The Civil Rights Commission's first three choices for its top post as staff director have turned down the job.

At its first meeting a week ago the Commission agreed on three names acceptable to the three Northern and three Southern members for the $22,500-a-year position.

After its second meeting yesterday, Chairman John A. Hannah told reporters that "the President was unable to interest" any of the three in taking the job. The Commission spent yesterday drawing up another list of names. Hannah would not make the names public. He said only that they want a lawyer.

The appointment will be made by the President on advice of the Commission. Both the Commission members and staff director must be confirmed by the Senate.

Delayed on Hiring Staff

Hannah said the Commission cannot make any real start on its assignment of investigating alleged violations of voting rights and asserting the need for more civil rights legislation until it gets a staff. It doesn't want to hire any staff members until the director is found and approved.

This means further delay in the work of the commission. It was given two years of life by the Civil Rights Act and has lost four months in assembling its own members.

Under the best of circumstances it takes time to move a presidential appointment through the Senate. The staff director's nomination must clear the Judiciary Committee, headed by Sen. James O. Eastland (D-Miss.), who bottled up the civil rights bill most of last session.

Had the director, like the Commission members, been appointed before Congress reconvened he could have been given a recess appointment and gone to work immediately. Now he cannot go on the payroll until the Senate has approved him.

No Complaints Yet

The President gave the Commission $200,000 to work with last week. So far it has had virtually nothing to spend it on except transportation for members from their homes to the two meetings. Hannah said he expected the Commission to meet again within two weeks.

The Commission has office space in a Government building at 726 Jackson pl. nw. and has been lent a receptionist from the Commerce Department to answer the telephone. Ashtrays replaced wastebaskets at yesterday's meeting, but Hannah still had to open all the mail. He said he had not come across any civil rights complaints yet.

Hannah said the Commission has not discussed how it will proceed—what field to start in, whether to break up into subcommittees, how much of its proceedings will be open or closed to the public. Both its first two meetings were closed.

U.S. Rights Unit Ready To Operate

WASHINGTON — (INS) — A six-member civil rights commission began operations last week following swearing in ceremonies at the White House.

The non-political commission was authorized last August when Congress passed the controversial civil rights legislation.

The six commissioners took their oath of office in President Eisenhower's office. The President stood solemnly next to commission chairman, Dr. James A. Hannah, president of Michigan State university, as the six members of the group recited the oath. White House Assistant Sherman Adams presided at the ceremony.

The commissioners then adjourned to a nearby office building to conduct their first organizational meeting.

SOUTH OPPOSES

However, sharp differences of opinion reportedly were aired at the commission's first meeting. Southern members were said to have voiced "strong opposition" to racially integrated schools.

The meeting was a closed session and the commissioners would not comment on the reported rift. They described the proceedings only as "a frank exchange of views."

The group was beginning a two-year study of civil rights violations of all types and will submit recommendations to Mr. Eisenhower and Congress.

Dr. Hannah flew to the initial meeting despite the fact that his mother died in Michigan yesterday. He planned to return for the funeral after the meeting.

OTHER MEMBERS

Other commission members are former Virginia Gov. John S. Battle, Southern Methodist university law school Dean Robert G. Storey, former Florida Gov. Doyle Elan Carlton, Assistant Secretary of Labor J. Ernest Wilkins, the lone Negro on the commission; and the Rev. Theodore M. Hesburgh, president of Notre Dame university.

Battle, Storey and Carlton are Democrats; Hannah and Wilkins are Republicans, while the Rev. Mr. Hesburgh has no political affiliation.

The commission's operations were slated initially to get underway in December but were postponed when retired Supreme Court Justice Stanley F. Reed withdrew as the appointed chairman. Reed did so on grounds that inasmuch as he participated in the Supreme Court School Integration Decision, his service on the commission might reflect on the impartiality of the Federal judiciary.

Mr. Eisenhower the elevated Hannah to the chairmanship and selected Carlton to be the sixth commissioner.

A Good Starting Place

If President Eisenhower's Civil Rights Commission wants to know where to start its investigation of Southern areas which bar colored people from voting, we suggest that they go to Jefferson County, Alabama.

Jefferson County includes the city of Birmingham.

It has a population of 208,459 colored persons and 350,469 white persons. Registered colored vote is 8,486. Registered white vote is 104,482.

Because of vicious and discriminatory restrictions on colored voters, only 6 percent of the eligible colored adults over 21 years of age are permitted to register and vote.

In some Maryland counties, 66 percent of the adults over 21 years of age are registered.

RIGHTS OFFICIALS GET FIRST CALL

WASHINGTON, Jan. (AP)— Members of the new Civil Rights Commission gathered for their first meeting today in an office that lacked even an ashtray, but they promptly received a call on their one telephone.

After the meeting, reporters asked Dr. John A. Hannah, commission chairman, who had called.

"We got a call from someone looking for a job," Hannah said. "Then we took the phone off the hook."

Civil Rights Commission Is Installed

By JOHN CHADWICK

WASHINGTON, Jan. 3 (AP) — A six-member commission assigned to help the nation pick its way through the thorny civil rights field was sworn in today and was pledged the full cooperation of President Eisenhower.

The commissioners, three from the North and three from the South, conferred with Eisenhower for about half an hour after taking their oaths from presidential assistant Sherman Adams in a White House ceremony.

The chairman of the commission, Dr. John A. Hannah, president of Michigan State University, told newsmen he expected the members to get along with one another very well despite their different sectional backgrounds.

"My expectation is," he said, that we not only are going to get along well but come to conclusions agreeable all the way around."

Creation of the commission was provided for by Congress last summer in passing the first civil rights legislation since the Civil War.

The commission is directed to investigate sworn charges of denial of voting rights because of race, color, religion or national origin, and to make a broad study of legal developments and federal statutes and policies relating to equal protection of the laws.

Hannah said Eisenhower indicated he was happy to have the commission start its work and offered the cooperation of his office in any way that would be helpful.

He said Eisenhower also had set aside $200,000 from the presidential emergency fund for the commission so that it could function immediately. Congress made no appropriation for the commission before adjourning last August.

Hannah said the most important decision immediately ahead for the commission is the selection of a staff director who is to be paid $22,500 a year.

The director, bound to play a key role in the commission's activities, will be subject to Senate confirmation. So are the commission members themselves, whose nominations will be submitted to the Senate after Congress reconvenes next week.

In addition to Hannah, members of the commission are J. Ernest Wilkins, a Chicago Negro who is assistant secretary of labor for international affairs; former Gov. John S. Battle of Virginia; Doyle E. Carlton, a former governor of Florida; Robert G. Storey, dean of Southern Methodist University's law school; and the Rev. Theodore M. Hesburgh, president of Notre Dame University.

South's Storey Vice Chairman Of Rights Board

WASHINGTON, Jan. 4 (AP)— President Eisenhower Saturday named a Southerner, Robert G. Storey, to be vice chairman of the new Civil Rights Commission which held its first meeting Friday in a show of harmony.

Storey is dean of the Southern Methodist University law school. He is a Democrat. The commission is headed by Dr. John A. Hannah, president of Michigan State University, who is a Republican.

Hannah took to the White House late Friday a list of lawyers who would be acceptable to the six commission members for the key job of staff director.

* * *

NO ANNOUNCEMENT of a director was forthcoming, however. The selection of Storey for the vice chairmanship was disclosed at Gettysburg, Pa., where Mr. Eisenhower is spending the weekend, by White House Press Secretary James C. Hagerty.

The commission members had made a recommendation to Mr. Eisenhower on which of their number should be vice chairman. Presumably Storey was the choice, although Hannah did not mention any names in talking with newsmen Friday.

Hannah said he hoped the staff director, a presidential appointee, could be named before the commission's next scheduled meeting on Jan. 10. The list of candidates was not made public.

With Ike's blessing—

New rights body goes into business

WASHINGTON, Jan. 3 —(AP)— The new Civil Rights Commission was sworn into office today in the presence of President Eisenhower.

The president greeted the members in his office and stood by while his chief assistant, Sherman Adams, administered the oath of office.

Then he presented them with the diplomas for the honorary doctorates," Eisenhower proposed with a grin. And he began handing out signed commissions tied up in blue ribbons.

DIRECTING new members to chairs around his desk, and even hauling one up for somebody else to use, the president sat down and began conferring with the members about the difficult tasks they have ahead.

Taking the oath of office launched the commission members on a 20 months study of the nation's touchy racial problems. But they still are subject to confirmation by the Senate.

Presidential Press Sec. James C. Hagerty told reporters the commission session with Eisenhower was informal. But he added that he thought it involved a discussion of "not only what he hopes but what they think the work of the commission should entail."

Afterward, the commission was invited to lunch with Adams and other White House staff members in a conference room just off the presidential office. This was in advance of the commission's first session on its own to get organized.

The commission chairman, Dr. John A. Hannah, president of Michigan State University, told reporters he thinks the members will get along well and come up with conclusions agreeable to everyone.

HE ALSO SAID Eisenhower signed a letter today providing $200,000 from the presidential emergency fund to finance commission operations at the start.

Eisenhower, Hannah told a news conference, also assured the commission of the cooperation of his office and indicated he was pleased to have the commission start functioning.

Three Southerners and three Northerners serve on the commission. One of the Northerners is a Negro. Hannah was asked how he thought the Northerners and Southerners would get along.

"I think very well," the chairman replied. "I think they are all able men. It is my expectation we are not only going to get along well but that we will come to conclusions that are agreeable all the way around."

Hannah told reporters his own feeling is that the selection of a staff director, who will manage commission affairs, is "the most important decision we have to make."

The director will be named by Eisenhower, on recommendation by the commission. Eisenhower's nominee will be subject to confirmation by the Senate.

THE BIG QUESTION is whether the commission can produce something the North can accept and the South can tolerate. Various commission members have said differences are certain to come up in commission sessions, and that they can't be expected to devise a complete solution to racial and other issues that have persisted for decades. But they are hopeful of producing something helpful.

The commission is a product of a compromise civil rights law Congress enacted in late August —the first legislation in this controversial field in some 80 years. Largely, the commission was set up as a fact finding, study and advisory agency.

THE NEGRO on the commission is J. Ernest Wilkins, assistant secretary of labor for international affairs. The third Northerner is another university president, the Rev. Theodore M. Hesburgh of the University of Notre Dame.

The three Southerners on the commission all are lawyers. Two of them, John S. Battle of Charlottesville, Va., and Doyle E. Carlton of Tampa ,Fla., formerly were governors of their states. Robert G. Storey, the third Southerner, is dean of Southern Methodist University's Law School.

But not yet going—

Rights commission to get in business; long struggle ahead

BY JAMES MARLOW
Associated Press news analyst

WASHINGTON, Jan. 3—(AP)—The six-man Civil Rights Commission, created to scan the whole field of civil rights problems for nearly two years, starts in business today. But it's not yet a going, established concern.

The members, to be sworn in today at the White House, recently were appointed by President Eisenhower in accordance with the Civil Rights Act passed last Summer by Congress.

The appointments of all six members—three from the North, three from the South—are subject to Senate approval. This could mean some uncertainty since Southerners may try to prevent approval. However, the new commission has power to start operating as soon as it is organized.

THE KEY MAN in the commission's work—the staff director—hasn't been named by Eisenhower yet. His nomination, too, will be subject to Senate approval. The Southerners are sure to give him a close look.

The commissioners all have other jobs. So they won't work full time on the commission. They'll get $50 a day for every day actually worked. The staff director, working full time, will be paid $22,500 a year.

It will be this director, and the staff he picks, who will make the investigations and set up the hearings which the commissioners will hold. Under the 1957 law they can hold their hearings any place, any time.

THIS COMMISSION—headed by John A. Hannah, 55, president of Michigan State University—has very broad investigative powers. It can look into the whole field of civil rights from denial of voting privileges to economic pressure against Negroes and discrimination in its various forms.

But it can't make charges against anyone. It can make recommendations for improving existing civil rights laws or passing new ones, or for actions it thinks should be taken by the executive branch of the government without new laws.

It has this much power: It can subpoena witnesses to appear before it. This power can be backed up by a Federal Court. So the commission doesn't have to depend on the voluntary cooperation of people it wants to question.

IN SHORT, the commission is supposed to be a fact-finding body. One of the unknowns about the six men is how they'll get along with one another and with the staff director.

During the commission's life—unless there are unexpected developments—Congress is unlikely to pass any further civil rights legislation. The mood in Congress will probably be: Let's see what the commission says.

Atty. Gen. Rogers said recently the Eisenhower administration expects to offer Congress no new civil rights legislation this year. This is one way of keeping Southern opposition to the commission to a minimum.

Rights Group Having Trouble Finding Aide

WASHINGTON, Jan. 10 (AP)—The Civil Rights Commission said today it is having trouble finding a man for its $22,500-a-year job as staff director.

Chairman John A. Hannah said the commission submitted a list of three lawyers for consideration by President Eisenhower, but:

"The President was unable to interest the people we had on our list."

Hannah said the commission drew up another list today for recommendation to the President. He declined to give any names. The commission will meet again Jan. 25.

The staff director, a fulltime employe, is to be nominated by the President, subject to Senate confirmation.

The commission and its director are to investigate sworn charges of denial of voting rights, and are to look generally into federal laws and practices relating to constitutional rights. It was created primarily because of complaints that Negroes' rights were being violated in the South.

Civil Rights Commission Installed at Washington

WASHINGTON, Jan. 3 (AP) — A six-member commission assigned to help the nation pick its way through the thorny civil rights field was sworn in today and was pledged the full cooperation of President Eisenhower.

The commissioners, three from the North and three from the South, conferred with Eisenhower for about half an hour after taking their oaths from presidential assistant Sherman Adams in a White House ceremony.

The chairman of the commission, Dr. John A. Hannah, president of Michigan State University, told newsmen he expected the members to get along with another very well despite their different sectional background.

"My expectation is," he said, that we not only are going to get along well but come to conclusions agreeable all the way around."

In addition to Hannah, members of the commission are J. Ernest Wilkins, a Chicago Negro who is assistant secretary of labor for international affairs; former Gov. John S. Battle of Virginia; Doyle E. Carlton, a former governor of Florida; Robert G. Storey, dean of Southern Methodist University's law school; and the Rev. Theodore M. Hesburgh, president of Notre Dame University.

Creation of the commission was provided for by Congress last summer in passing the first civil rights legislation since the Civil War.

The commission is directed to investigate sworn charges of denial of voting rights because of race, color, religion or national origin, and to make a broad study of legal developments and federal statutes and policies relating to equal protection of the laws.

Hannah said Eisenhower indicated he was happy to have the commission start its work and offered the cooperation of his office in any way that would be helpful.

He said Eisenhower also had set aside $200,000 from the presidential emergency fund for the commission so that it could function immediately. Congress made no appropriation for the commission before adjourning last August.

Hannah said the most imporant decision immediately ahead for the commission is the selection of a staff director, who is to be paid $22,500 a year.

New Rights Unit Embarks Today On Racial Study

Group to Take Oath At White House, Set Up Organization

By the Associated Press

With a sendoff from President Eisenhower, the new Civil Rights Commission embarks today on a 20-month study of the Nation's racial problems.

The six members, who still are subject to confirmation by the Senate, were invited to the White House to take the otah of office and confer with the President. From then on, they were on their own for an organization meeting in their own quarters at 726 Jackson place.

On the commission are three Southerners and three Northerners—one of the latter a Negro. To them, Congress assigned the difficult job of finding and treading some sort of middle ground on racial and rights problems, then coming up with some kind of constructive report and recommendations by September 9, 1959.

The big question is whether the commission can produce something the North can accept and the South can tolerate. Various commission members have said differences are certain to come up in commission sessions, and that they can't be expected to devise a complete solution to racial and other issues that have persisted for decades. But they are hopeful of producing something helpful.

Staff Director Sought

One immediate need is to find a staff director, who will be chief administrative officer and shopkeeper for the commission at a salary of $22,500 a year. The President will make the appointment after talking it over with the commission. The staff director's nomination also is subject to Senate confirmation.

The commission is a product of the compromise civil rights law Congress enacted in late August—the first legislation in this controversial field in some 80 years. Largely, the commission was set up as a fact finding, study and advisory agency.

Congress gave it specific authority to investigate any complaints made in writing that persons have been denied the right to vote because of race, creed or national origin.

The commission also is supposed to survey present Federal laws and policies to determine whether they afford proper protection for civil rights, and to assess legal developments which may deprive people of constitutional rights.

Just how the commission will proceed with these duties is something to be worked out in today's initial meeting and others to follow. But it is authorized, if it wishes, to subpoena witnesses and take testimony under oath. It also is allowed to travel about the country in carrying out its chores.

New Delay Averted

It appeared for a while as though the commission's organization meeting would be postponed a second time. The mother of Chairman John A. Hannah, president of Michigan State University, died New Year's Day. But the chairman advised the White House he would fly to Washington and then return for the funeral, because the initial commission session already had been put off once.

The first postponement resulted from resignation of retired Supreme Court Justice Stanley F. Reed, whom Mr. Eisenhower originally picked for commission chairman. Justice Reed said he still is subject to call for bench duty and he thought service on the commission might conflict with his judicial obligations.

'Crusade For Citizenship' Invites Civil Rights Body

Atlanta - (ANP) - Dr. John H. Hannah, chairman and members of the recently constituted Civil Rights Commission have been urged to attend and participate in the public mass meetings being held simutaneously in twenty-one (21) cities in nine southern states on Wednesday evening, February 12 to launch the "Crusade for Citizenship" of the Southern Christian Leadership Conference.

The invitations were extended by Dr. Martin Luther King, Jr., president of the Conference, following an all-day meeting of the movements executive board held at Ebenezer Baptist Church here in Atlanta.

The "Crusade for Citizenship" meetings emphasizing the theme, "The Franchise is a Citizen's Right -- not a Privilege," will spearhead a year round south-wide registration and voting effort to double the number of qualified Negro voters in the South, through a program of "education and action" according to the conference announcements.

Cities holding meetings on February 12 are: Birmingham, Mobile, Montgomery and Tuskegee, Alabama; Jacksonville Miami and Tallahassee, Florida; Atlanta, Georgia; Baton Rouge, New Orleans and Shreveport, La.; Clarksdale and Hattiesburg, Miss.; Durham and Greensboro, N.C.; Columbia, S.C.; Chattanooga, Memphis and Nashville, Tenn.; Dallas and Houston, Texas.

Dr. Hannah has been invited to participate in the Miami meeting, at which Dr. King, Jr., will speak. The letter of invitation notes that "investigations of infringement of voting rights" would be first on the Commission's agenda.

Civil Rights Fight Looms Over Financing Commission

WASHINGTON —(AP)— An unheralded civil rights fight moved to the House floor today, threatening to catch many absent members off guard.

It involves financing for the six-member Civil Rights Commission and its staff created by the controversial 1957 civil rights law. The fight could delay action on this year's first regular money bill, to finance the White House and general government matters.

Many House members, anticipating no controversy, had arranged to be out of the city for Lincoln Day speeches and other matters.

President Eisenhower has asked Congress to provide $200,000 for the commission's current year activities and $750000, for its fiscal year 1959 work starting next July 1.

The House Appropriations Committee excluded the $750,000 from a money bill which domes up for a possible vote today. It indicated that it would take a dim view of the $200,000 request unless the commission is more firmly established.

The committee noted in a formal report that the two money requests were "prepared by persons not associated with the commission," and cited the fact that a staff director has not yet been appointed.

The six commission members have been sworn in under recess appointments, but the Senate has not yet confirmed the appointmets, nor even ordered committee hearings on them.

The commission is charged with investigating reports of civil rights violations and making recommendations covering the broad field of rights of minority groups.

Ike Funds To Agency Blocked!

WASHINGTON — In dire need of a financial transfusion, the 1957 Civil Rights Law remained in a coma here after the appropriations committee of the House refused to finance an investigatory commission created by the act.

The House group turned thumbs down on a proposal which would have included in the 1959 "General Government Matters" appropriation a $750,000 stipend which would finance the six-man civil rights commission named by President Eisenhower.

The "medic" who refused to give the commission its "life blood" of dollar bills was Representative Andrews of Alabama, a Democrat and a 1957 foe of the law.

It was Andrews who made the recommendation to hold back the needed cash. And he was upheld by the entire appropriations Committee. Andrews, serving his eighth term in Congress, hails from Union Springs, Ala.

■

THE COMMITTEE is composed of 30 Democrats and 20 Republicans. Fifteen of the Democrats come from Dixie states. All the Republicans, with the exception of Edward T. Miller of Maryland, are from the North.

The Civil Rights Committee is presently being maintained through the use of emergency funds from the office of the President. The group has been assigned the task of investigating sworn charges of voting rights denials and to study Federal law and practices relating to civil rights.

The committee's findings must be submitted by Sept. 9, 1959, when it is scheduled to get out of business.

Celler moves to add Part 3 to rights law

WASHINGTON (NNPA) — Rep. Emanuel Celler (D., N.Y.) Monday introduced a civil rights bill in the House embodying Part 3 which was stricken from the Civil Rights Act of 1957 by the Senate last July.

The Celler bill would authorize the attorney general to institute for or in the name of the United States a civil action to enjoin threatened violations of constitutional rights.

The attorney general would be authorized to institute such action whenever he should determine that any person or group of persons are being deprived of, or are being threatened with loss of their right to the equal protection of the laws because of their race or religion and such persons or group is unable for any reason to protect that right.

* * *

SINCE THE Supreme Court decided in the school segregation cases that racial segregation deprived colored persons of the equal protection of the laws guaranteed by the 14th Amendment, the Celler bill, if enacted, would give the attorney general power to bring suits to compel school desegregation.

The bill also would give Federal district courts jurisdiction over suits instituted by the attorney general under its provisions and dispenses with any requirement that state administrative or judicial remedies be exhausted.

Mr. Celler, chairman of the House Judiciary Committee, was one of the sponsors of the Eisenhower administration's civil rights bill in the House last session.

New Englander appointed—

Staff director named for rights

WASHINGTON, Feb. 19 — (AP) — One more stumbling block to the functioning of the new Civil Rights Commission was cleared away today with President Eisenhower's nomination of a staff director.

The president announced last night in Thomasville, Ga., where he is vacationing, that he was naming Gordon M. Tiffany, a former New Hampshire attorney general, for the $22,500-a-year post.

Tiffany said he was accepting the job with "an open mind" and had no preconceived notions about the bitter civil rights issues.

As a lawyer, Tiffany has appeared before federal agencies and courts in Washington, but he is not well known to members of Congress.

THE SIX-MEMBER COMMISSION, provided for in the Civil Rights Act passed by Congress last year, has been marking time while waiting for a staff director to be named. Not even a clerk has yet been hired.

Already six months of the commission's allotted two-year life span have gone by, and other problems of money and Senate confirmation lie ahead.

Because of the commission's difficulties in getting set up and functioning, the House appropriations committee recentiy refused to approve the $750,000 appropriation requested by Eisenhower for it.

EISENHOWER, after swearing in the commission members early in January, made available $200,000 from his emergency fund to finance commission activities temporarily.

The commission's assignment is to investigate sworn charges of the denial of voting rights because of race, creed or color and to study federal laws and practices relating to civil rights generally.

The staff director, unlike the members of the commission, is to be a full time employe and will be responsible for supervising the group's day-by-day activities. Like them, his appointment is subject to Senate confirmation. But because Congress is now in session, Tiffany cannot go on the payroll until the Senate acts.

TIFFANY'S NOMINATION will be referred to the Senate judiciary committee. Sen. Eastland (D., Miss.), the chairman, is a leading foe of civil rights measures.

New Englander Named Civil-Rights Director

Thomasville, Ga. Feb. 18 (AP) — President Eisenhower Tuesday picked Gordon MacLean Tiffany, former attorney general for New Hampshire, to be staff director of the new Federal Civil Rights Commission.

The nomination of the 44-year-old Republican for the important post, which pays $22,500 a year, will go to the Senate in a few days, Eisenhower's vacation headquarters announced.

Selection of Tiffany under provisions of the law Congress passed last August means the work of the new commission can now go ahead full steam, provided there is speedy Senate confirmation of the President's choice.

The six-member commission, also authorized by the 1957 law, was appointed some time ago. It is headed by John A. Hannah, president of Michigan State University, a former assistant secretary of defense in the Eisenhower Administration.

'Wishes of Commission'

The law directs the commission to make a two-year study of civil-rights problems.

Tiffany, whose home is at Concord, N. H., served as New Hampshire's attorney general from 1950 to 1953. He was Concord City solicitor in 1953-54 and now is in private law practice there.

In reply to a question, Hagerty said Tiffany was a friend of the President's chief aide and former Governor of New Hampshire, Sherman Adams. But Hagerty said Adams had nothing to do with the commission's recommendation of Tiffany.

"This was a recommendation by the commission," Hagerty said.

'Massacre' victims yelp for help from underground

MARION, S.C.—The Rev. James W. Cole, whose Carolina Klan followers were routed by Indian bullets and war whoops on their last Robeson County appearance, says that the North Carolina Klan has "gone underground" and will seek the aid of the President's Civil Rights Commission.

Cole, who had threatened to come back to Robeson on Saturday with a rally at which Klansmen would outnumber the Indians, announced Friday that he had abandoned his original plan, and would stage a prayer meeting instead.

"As of today," he added "the Klan in North Carolina is operating completely underground."

He said also that Klan officials are writing the Civil Rights Commission to protest denial of the Klan's "constitutional right of freedom of speech and assembly" by state and county officials and the Indians.

AUTHORITY LIMITED?

Senators Question Civil Rights Body

(Copyright, New York Times News Service)

WASHINGTON, Feb. 24—Members of the new Civil Rights Commission told the Senate Judiciary Committee today that they do not feel they have authority to investigate any such incident as the school integration dispute at Little Rock.

They also said they do not regard the commission as a "tool" of the Justice Department, and in fact intend to keep it entirely separate and apart from the department.

Rogers' View Similar

Atty. Gen. Rogers was pictured in the testimony as holding an identical view.

The committee heard, but did not act upon today, the following nominees to the commission:

Dr. John A. Hannah, president of the University of Michigan, chairman of the commission; Dr. Robert G. Storey, dean of the law school, Southern Methodist University, vice chairman; former Gov. Doyle E. Carlton of Florida; former Gov. John S. Battle of Virginia; the Rev. Theodore M. Hesburgh, president of Notre Dame University; and J. Ernest Wilkins, assistant secretary of labor.

Confirmation Seen

Sen. J. Eastland, (D-Miss), Judiciary chairman, told newsmen the nominations might be confirmed at the next regular committee meeting on Monday. He said he did not know when the committee would take up the nomination of the commission's executive director, Gordon M. Tiffany, former Republican attorney general of New Hampshire.

Southern senators on the committee questioned commission members closely about their duties and the extent of their authority as they saw it.

Dr. Hannah, Gov. Battle and Rev. Hesburgh described their job as "largely a fact-finding problem." All said they did not feel they had the power to investigate Little Rock or any similar situation.

Questioned by Sen. Eastland, Dr. Hannah said it was his understanding that the commission would be "completely separate from the Department of Justice."

Little Rock Matters Not Aim Of Rights Unit, Savs Hannah

WASHINGTON, Feb. 24 (AP)—John A. Hannah, head of the government's new Civil Rights Commission, said today the group was not set up to investigate such matters as the Little Rock school integration crisis.

Hannah expressed this position to the Senate Judiciary Committee after Robert Young, a committee lawyer, suggested that language in the 1957 act creating the commission would practically require it to go into the Little Rock situation.

The Rev. Theodore M. Hesburgh, president of Notre Dame and another commission member, also told the committee he considered it "unlikely" that the six-member group would have any jurisdiction in such disputes as the one at Little Rock.

Chairman Eastland (D-Miss) said the question of confirmation would be on the committee's agenda next Monday but noted that any member could hold off a vote for an additional week.

The commission put Gordon M. Tiffany on its payroll as a $50-a-day consultant pending Senate action on his nomination to be its $22,500-a-year staff director.

C-R Group Promises Hands Off Little Rock

WASHINGTON (AP) — The chairman of the nation's new Civil Rights Commission says his group is not responsible for enforcing school integration.

Dr. John A. Hannah also told the Senate Judiciary Committee yesterday the commission had no thought of interfering in the Little Rock school controversy.

The committee questioned commission members but delayed at least until next week any action toward recommending their confirmation by the Senate.

Hannah expressed his views when Robert Young, a committee lawyer, said phraseology of the 1957 Civil Rights Act creating the commission gave it authority to enter such controversies as that at Little Rock.

SUBPOENA POWER

Young said the act, in effect, gave the commission authority to use its subpoena power to collect information for the Justice Department.

Hannah, president of Michigan State University, said "it is not my opinion that we should be used as a tool" for anyone. He said the commission regards itself as an independent body with no responsibility to the Justice Department or any other agency.

He said Atty. Gen. Rogers had agreed it would be "a serious mistake" for any relationships to be established between the commission and the Justice Department.

Civil Rights Staff Aide Is Named By Ike

WASHINGTON (AP)— One more stumbling block to the functioning of the new Civil Rights Commission was cleared away today with President Eisenmhower's nomination of a staff director.

The President announced in Thomasville, Ga., where he is vacationing, that he was naming Gordon M. Tiffany, a former New Hampshire attorney general, for the $22,500-a-year post.

Tiffy said he was accepting the job with "an open mind" and had no preconceived notions about bitterly contested civil rights issues.

As a lawyer, Tiffany has appeared before federal agencies and courts in Washington, but he is not known to most members of Congress.

The six - member commission, provided for in the Civil Rights Act passed by Congress last year, has been marking time while waiting for a staff director to be named. Not even a clerk has yet been hired.

The commission's assignment is to investigate sworn charges of the denial of voting rights because of race, creed or color and to study federal laws and practices relating to civil rights generally.

The full-time staff director will be responsible for supervising the group's day-to-day activities. His appointment is subject to Senate confirmation.

The commission members themselves have not yet been confirmed by the Senate.

Tiffany, 46, is a practicing attorney in Concord N.. H., and now a member of that state's Legislature.

In 1950, he was named an aide to Sherman Adams, now Eisenhower's top assistant,

Tiffany Nomination Ends Rights Delay

With nearly half its 2-year life span gone, the Civil Rights Commission may now finally get started.

The major roadblock was removed Tuesday when the White House nominated Gordon M. Tiffany, former attorney general of New Hampshire, to be staff director.

The Commission has marked time for six weeks while it searched for a staff chief.

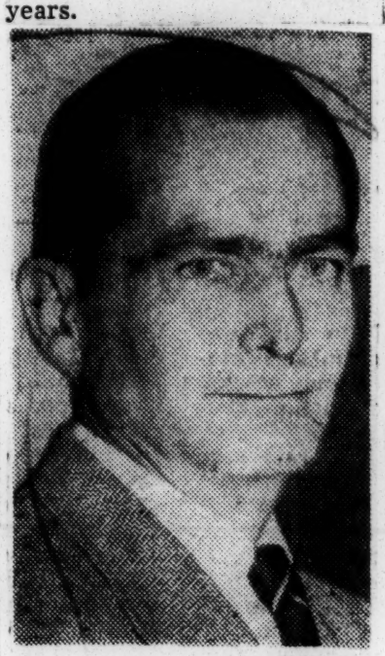
Still ahead is Senate confirmation of Tiffany which must clear the Judiciary Committee headed by the staunch segregationist, Sen. James O. Eastland (D-Miss.) He cannot go on the payroll until confirmed and the committee probably will not consider him until after the Feb. 24 hearing scheduled for the six commission members.

Tiffany, 46-year-old Republican, is now a member of the New Hampshire state legislature and a practicing attorney in Concord. The Associated Press quoted Tiffany as saying that if confirmed he would bring an "open mind" to the job.

The Associated Press said Tiffany has not hesitated in the past to take an unpopular stand on controversial issues. Last summer he was one of a handful of New Hampshire legislators who tried unsuccessfully to prevent the legislature from criticizing the Supreme Court for its Sweezy decision which threw out the contempt conviction of a University of New Hampshire lecturer.

The Court upheld the right of Paul M. Sweezy to refuse to answer questions asked by the New Hampshire attorney general in a Communist probe ordered by the legislature. The Court said the questions trespassed on academic freedom and that the legislature had not spelled out sufficiently clear limits in delegating its power to the attorney general.

Tiffany received his bachelor's degree at Yale and his law degree at Columbia. He served at sea as a Navy lieutenant in World War II. After the war he became an assistant attorney general of New Hampshire, served as legislative counsel to Sherman Adams who was then governor and is now assistant to the President, and was attorney general under Adams for two years.



Associated Press

GORDON M. TIFFANY
. . . staff director

Funds For Rights Commission To Be Reported By Commission

WASHINGTON D. C., (NNPA) — No effort will be made to bring up the bill making appropriations for the Executive Office of the President and general Government agencies for the fiscal year beginning July 1 until the House Appropriations Committee reports funds for the newly created Civil Rights Commission.

Asked by Representative Kenneth B. Keating, Republican, of New York, whether it was the intention of the House leadership to call up the bill, Representative John W. McCormack, of Massachusetts, the House Democratic leader, replied in the negative.

Mr. McCormack said he considered the action of the House as "an instruction to withhold the matter pending further consideration of the bill" by the House General Government Matters appropriations subcommittee.

The subcommittee, headed by Representative George W. Andrews, Democrat, of Alabama, "deferred" action on President Eisenhower's request for $750,000 for salaries and expenses of the Commission.

The reason given was that the estimate was prepared by persons not associated with the Commission, and there is not as yet a staff director employed.

After debating the matter, the House took no action but left the bill on the Speaker's desk where it may be called up at any time by the House leadership.

Representative Clarence Cannon, of Missour, chairman of the full House Appropriations Committee, indicated that the subcommittee would hold hearings whenever the Administration made the request.

The White House had Dr. John A. Hannah, chairman of the Civil Rights Commision, ready to testify, but Mr. Andrews said he wanted to hear only the staff director, although there was no staff director.

The Commission hopes to find a staff director any day now and get to work, it was learned Tuesday.

President Eisenhower signed the Civil Rights Act of 1957 last Sept. 9. Members of the Commission were given recess appointments in Nov., but additional time was lost when Justice Stanley F. Reed decided to resign on the ground that there might be some conflict in his duties as chairman of the Commission and those of a retired judge who is subject to be assigned to sit on a Federal court bench from time to time.

The chief cause of the delay has been the problem of finding a staff director. The Commission has not hired any employees because it feels that the staff director should do the hiring as he will be in charge of the office.

During the two hours of debate in the House on the action of the subcommittee in not putting any funds int othe bill for the Commission, some Northern Democrats were critical of the White House for the delay in the Commission's not getting to work.

Both the White House and the Commission deny responsibility for the delay. They say they have been searching for a staff director, but the individuals upon the Commission and the White House have agreed have declined the $22,500-a-year job.

The Civil Rights Act requires the President to consult with the with the Commission before naming a staff director, who is subject to Senate confirmation.

The commission members serve only part time. The staff director is a fulltime employee.

The big hurdles are that the Commission -- three Southerners and three Northerners - must first agree upon a choice for staff director, who must be acceptable to the White House, and then the individuel agreed upon must be a sort of negative character who has no record in the field of civil rights

How The Dixiecrats Outflanked Liberals

Selection May Speed New Commission's Work

which might arouse the southerners.

The nomination of the staff director, like those of members of the commission, wil be considered by the Senate Judiciary Committee, of which Senator James O. Eastland, Dixiecrat, is the chairman, and this committee has the reputation of giving liberal who appear before it a rough time.

Among White House officials involved in the search for a staff director are the President's acting appointments secretary, Robert K. Gray ,and the President's special counsel, Gerald D. Morgan. They have interviewed many possibilities.

Rep. Boyle Of Chicago Saves Rights Cash

By ETHEL PAYNE

WASHINGTON — What happened last weekend when the House sub-committee on appropriations held up funds for the Civil Rights commission to operate on is a shining example of how the astute parliamentary minded southern wing of Congress so often outflanks the North and catches it with its pants at "half mast."

It's also proof that the real story is more often in the cloakroom or the smoke-filled recesses than it is out on the floor in full view of the public eye.

At any rate, while the Republicans were taking a week-end powder and fanning out over the country in Lincoln Day speeches to garner votes, they were losing out in Congress.

Meanwhile, while both liberal Republicans and Democrats were knocking off for the weekend, the southerners on the sub-committee rolled over and played possum dead long enough for nearly half of the House membership to be gone.

Then on late Friday, Rep. George Andrews (D. Ala.) called a meeting of the subcommittee. As a result, the inert Civil Rights commission got clipped of the $750,000 which had been specified for its operation.

Andrews blandly announced that since the commission already had $200,000 alloted to it from special funds of the President, and since no one had appeared from the administration or the commission to testify as to what the commission needed the $750.000 for, the committee could not justify appropriating the money.

Fortunately, Congressman Chas. Boyle (D) from Chicago, a new member of the committee, spoke up and offered a motion to restore the money. This was sufficient to get the matter onto the House floor on Monday for a two-hour debate.

The results of this are best explained in a statement by Rep. Adam Clayton Powell after the House had voted in a "rise motion" to leave the matter pending until the White House takes the initiative in pressing for a hearing and sending witnesses from the commission and the Bureau of the Budget to testify on the needs of the committee.

Said Powell:

"The House today averted what would have been a tragedy due to the inaction of the White House in not pushing more vigorously for the Civil Rights commission to be heard before the appropriations committee.

"After receiving the pledged word from Chairman Clarence Cannon of the full committee and subcommittee Chairman Andrews, it is now totally the responsibility of the White House to push for action.

"At present we have an unfirmed commission, an unappointed staff with unappropriated funds."

Six of the 10 members of the subcommittee are southerners. The chairman of the full appropriations committee Clarence Cannon is from Missouri.

When he was asked whether he would call a committee meeting to hold hearings, he passed the buck to the sub-committee and when Andrews was questioned as to what he would do, he took safety by saying it would depend on what the majority of the sub committee would vote.

One thing that has happened with the suspension of business by the committee, all other appropriations are being held up too.

Ike Names Tiffany to Civil Rights Job

President Nominates a Friend of Adams Staff Chief of Civil Rights Commission

Special to The N

THOMASVILLE, Ga., Feb. 18—President Eisenhower has designated Gordon Maclean Tiffany, a close personal friend of his assistant, Sherman Adams, the staff director of the Civil Rights Commission.

The White House press secretary, James C. Hagerty, said that the President would send the nomination of Mr. Tiffany to the Senate soon. He said that the selection was made by the President after discussion with the chairman of the commission, John A. Hannah, and that the nominee was the unanimous choice of the commission.

Mr. Hagerty said under questioning that Mr. Tiffany was a personal friend of Mr. Adams, the Assistant to the President, because he had been Attorney General of New Hampshire while Mr. Adams was Governor.

The press secretary insisted, however, that Mr. Adams had not recommended his friend to President Eisenhower or to the commission. "Adams did not suggest him for the job," Mr.

The staff director, with a salary of $22,500 a year, will virtually run the commission's work on investigating complaints that a person or persons have been denied their civil rights or threatened with denial of them because of race, color or creed.

The President's selection is certain to receive a close examination by those Southern Senators who bitterly opposed during the past session of Congress.

Mr. Tiffany, 45 years old, is a Republican.

The civil rights legislation carries a termination date of twenty-four months after enactment. Five of the twenty-four months have passed. The commission's six members have held several meetings but have taken no action.

THOMASVILLE, Ga. —(AP)— President Eisenhower Tuesday picked Gordon MacLean Tiffany, former attorney general for New Hampshire, to be staff director of the new Federal Civil Rights Commission.

The nomination of the 44-year-old Republican for the important post, which pays $22,500 a year, will go to the Senate in a few days, Eisenhower's vacation headquarters announced.

Selection of Tiffany under provisions of the law Congress passed last August means the work of the new commission now can go ahead full steam — provided there is speedy Senate confirmation of the President's choice.

The six-member commission, also authorized by the 1957 law, was appointed some time ago. It is headed by John A. Hannah, president of Michigan State University and a former assistant secretary of defense in the Eisenhower administration.

The law directs the commission to make a two-year study of civil rights problems. It provides for nomination of a staff director by the President after consultation with the commission members.

James Roosevelt Raps Ike on Civil Rights

WASHINGTON (ANP)—President Eisenhower's excuse that he cannot find anyone to accept the $22,500 job as executive director of the Civil Rights Commission is "incredible," thinks Representative James Roosevelt (D., Cal.).

In a formal statement issued from his office, Tuesday the California Congressman charged the Administration with the "lack of leadership necessary to enable this commission to vigorously fulfill the tasks assigned to it by the Civil Rights Act of 1957."

The statement was inspired by the recent failure of the House Appropriations Committee to allocate the $750,000 budget requested for the operations of the commission.

The committee's action set off a battle on the House floor, Monday, which "clearly spelled out the lack of leadership and initiative on the part of the President and his appointees," continued Roosevelt.

10 1958

HOUSE UNIT ROADBLOCK

Civil Rights Body Denied Finances

WASHINGTON, Feb. 7 (AP)—Civil rights popped up today as an unscheduled 1958 congressional issue when the House Appropriations Committee declined to finance the investigatory commission created by the 1957 civil rights law.

The committee deferred action on a White House request to include in the 1959 general government matters appropriation bill an allotment of $750,000 to finance the six-man Civil Rights Commission. It said the request for funds was prepared by persons not associated with the commission and pointed out that the commission has not yet employed a staff director.

The 1957 civil rights law provides that the staff director must be confirmed by the Senate before taking office. He has not yet been appointed.

In spurning the fund request, the committee indicated that it would look unfavorably on another presidential plea for a stopgap $200,000 allotment for the commission for the next four months unless the commission is more firmly organized.

Andrews Blocks Move

A subcommittee headed by Rep. Andrews (D-Ala), a foe of the 1957 civil rights law, made the recommendation to withhold the money. The entire Appropriations Committee upheld the recommendation over the objections of Rep. Boyle (D-Ill) and some other Northern members. Boyle's motion to include the $750,000 was beaten by voice vote.

Boyle said he would ask the House to restore the money when it considers the bill Monday. He added that he expected the backing of members who voted for the 1957 law.

The task assigned to the commission is to investigate sworn charges of denial of voting rights and to study federal law and practices relating to civil rights generally. It must submit its findings Sept. 9, 1959, when it is scheduled to go out of business.

Emergency Funds Used

Its members, headed by Dr. John A. Hannah, chairman, were appointed by President Eisenhower late last year. At present it is being financed from presidential emergency funds.

The $750,000 for the commission was deleted from a bill financing the executive office of the President and related agencies for the fiscal year starting July 1. As sent to the House, the bill would appropriate $14,808,870 for these agencies, a reduction of $256,000 exclusive of the Civil Rights Commission fund.

In another bill, the committee approved without reduction the President's request for $43,400,000 to pay unemployment compensation to jobless veterans and ex-federal workers unable to get jobs. This is an emergency allotment intended to keep the two unemployment programs operating until Congress considers their over-all needs for the 1959 fiscal year.

Rights Bill Said Up to Congress

Would Urge Ike To Sign---Rogers

WASHINGTON, Feb. 9 (AP)—Atty. Gen. Rogers said today that if Congress passes a civil rights bill based on sections knocked out of last year's legislation, he will urge President Eisenhower to sign it.

On the other hand, Rogers said the administration won't request such action. He said Congress would have to start the ball rolling.

The 1957 civil rights law gives the attorney general authority to seek federal court injunctions against violations of voting rights.

CIVIL RIGHTS COMMISSION

The Senate eliminated a House-passed section that would have extended this authority to violations of all civil rights statutes.

Rogers said that inasmuch as the Eisenhower administration requested the broader authority last year, it would accept such a measure this year.

He gave his views in an interview with Rep. Keating (R-NY), recorded for New York State television stations.

Discussing the effects of last year's civil rights bill, Rogers said the Justice Department's new division to enforce voting rights has "about four matters under consideration." The division was established under the 1957 legislation.

Rogers would not specify what these matters are.

FUNDS REFUSED FOR RIGHTS UNIT

White House Request for $750,000 Deleted

By WILLIAM F. ARROGAST

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TO APPEAL TO HOUSE

Boyle said he would ask the House to restore the money when it considers the bill Monday. He added that he expected the backing of members who voted for the 1957 law.

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$750,000 DELETED

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HOUSE APPROPRIATIONS COMMITTEE

DECLINED TO FINANCE

Rogers Ready To 'Urge' Ike To Sign New Rights Bill

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Rogers said that inasmuch as the Eisenhower administration requested the broader authority last year, it would accept such a measure this year.

Rogers said some time ago the administration would not recommend new civil rights legislation this year. He said such recommendations should be withheld pending a study of civil rights matters by a special commission set up under the 1957 law.

'DISSERVICE'

Discussing the effects of last year's civil rights bill, Rogers said the Justice Department's new division to enforce voting rights has "about four matters under consideration." The division was established under the 1957 legislation.

Rogers would not specify what these matters are.

"When we have a case that we can present in court, we ought to present it," he said. "But outside of court, I think we ought to talk as little about it as we can."

Rogers said the administration position is that the civil rights law will be enforced "with the same vigor that we enforce other laws." He said, however, that it is a "disservice" to law enforcement for public officials to make statements that lead to continued exchanges and "just keep the emotions aroused."

Asked whether he sees any parallel between disturbances in the Brooklyn public schools and disorders over school integration in Little Rock, Ark., Rogers replied: "No, I don't."

House Group Blocks Rights Fund Request

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EXECUTIVE FUNDS

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Funds Voted For Civil Rights Unit

$750,000 request is given okey

By LOUIS LAUTIER

WASHINGTON (NNPA) — The House Appropriations Committee Friday recommended an appropriation for $750,000 (seven hundred fifty thousand dollars) for the Civil Rights Commission for the fiscal year beginning July 1, but disallowed the request for $200,000 (two hundred thousand collars) to run the Commission to that date.

In a report filed in the House by Rep. Clarence Cannon, of Missouri, committee chairman, the committee said it proposes to offer an amendment to the General Government Matters appropriation bill, now pending in the House, to give the Commission $750,000 (seven hundred fifty thousand dollars) for the fiscal year 1959.

The report explained that the Commission has been operating out of an allocation of $200,000 (two hundred thousand dollars) made from the President's Emergency Fund for national defense on Jan. 3.

THE BUDGET estimate for 1958 for the Commission was intended to reimburse the President's fund.

The committee report pointed out that as of last Jan. 6 there remained in the President's emergency fund an unallocated balance of $725,000 (seven hundred twenty - five thousand dollars) out of an original appropriation of $1,000,000 (one million dollars).

As of last March 25, obligations against the $200,00 (two-hundred thousand dollars) allocated to the Commission totallied only $26,004.92 (twenty-six thousand four dollars and ninety-two cents).

"IT WOULD appear that adequate funds are available to continue operations on the present basis," the report said.

"Further, since the unobligated balances of both the Emergency Fund and the funds available to the Commission at this time, for fiscal year 1958, would serve only as a bookkeeping transaction."

The full committee made its report after the subcommittee headed by Representative George W. Andrews, (D., Ala.) had held hearings on the budget estimate for the Commission.

A majority of the 10-member subcommittee, three members of which are Southerners, recommended the appropriation for the Commission in the report which was adopted by the full committee.

* * *

THE GENERAL Government appropriations bill, making appropriations for the Executive Office of the President and other general government agencies, was debated for two hours on Feb. 10, but action on it was deferred because an appropriation for the Commission had been omitted.

At that time, Andrews gave as his reason for the failure of his subcommittee to recommend funds for the Commission the fact that Gordon MacLean Tiffany, the staff director for the Commission, had not been confirmed and could not testify and that the subcommittee wanted to hear from the staff director before making a recommendation.

Dr. John A. Hannah, president of Michigan State University and chairman of the Commission, appeared before the subcommittee on March 25 and testified in support of the budget estimate.

WITH DR. Hannah were Mr. Tiffany, who has been nominated as staff director and who pending Senate confirmation is employed by the Commission as a consultant; Mrs. Carol Arth of Redlands, Calif., who has been selected by the Commission as its secretary, and J. Ernest Wilkins, Assistant Secretary of Labor, who is a member of the Commission.

The Commission was created as an independent bipartisan agency in the executive branch of the Government by an Act of Congress approved Sept. 9, 1957. It has two years from that date to file its final report with the President and Congress. Sixty days later it is due to pass out of existence.

The day-to-day administration of the Commission is assigned to the staff director.

* * *

THE DUTIES of the Commission are:

1. To investigate allegations that citizens are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin.

2. To study and collect information concerning legal developments which constitute a denial of equal protection of the laws under the Constitution.

3. To appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

4. To conduct such public and executive session hearings throughout the United States as may be necessary to perform the duties and accomplish the objectives of the Civil Rights Act of 1957.

5. To prepare and submit interim reports to the President and the Congress and a final and comprehensive report of its activities, findings and recommendations by Sept. 9, 1959.

Civil Rights Commission: What It Is, What It Does

Rights Commission Legal Staff

George M. Johnson, director of the Office of Laws, Plans and Research, and former dean of the Howard University Law School (second from right), presides over meeting of legal assistants to the six Commissioners.

Eugene Jackson, of St. Louis, Mo. (foreground, third from right) is Commissioner J. Ernest Wilkins' legal assistant. Mr. Jackson, a Yale law school graduate, previously served on the legal staff of the Department of Labor, of which Mr. Wilkins is Assistant Secretary for International Affairs.

Other legal assistants shown are, from left, Burton Stevenson, St. Petersburg, Fla.; Charles Ed. Clark, San Antonio, Texas; Howard Rogerson, Charlottesville, Va.; Mrs. Elizabeth R. Cole, Chevy Chase, Md., and (extreme right) Harris Wofford, Alexandria, Va.

Commission Is Unique In That It Is Attached To Executive Branch

(Editor's Note: This is the last of three articles explaining the program, scope of authority and organization of the Commission on Civil Rights which the Journal and Guide has published as a public service.

WASHINGTON, D. C. — The Commission on Civil Rights, unlike many other commissions and committees appointed by the President, is an independent agency in the executive branch of the government. It was created last fall by Congress, at the request of President Eisenhower, when it adopted the Civil Rights Act of 1957.

Its six members were appointed by the President but they had to be confirmed by the Senate. The Act provides that not more than three members shall be of the same political party.

CONSEQUENTLY, three of the Commissioners are Democrats, all from the South. Two are Republicans and one is an independent. They are from the Midwest. The President designates one of them chairman, another vice chairman.

The six Commissioners are:

Dr. John A. Hannah, chairman, president of Michigan State University.

Robert G. Storey, vice chairman, dean of Southern Methodist University Law School, former president of American Bar Association.

John S. Battle, attorney, former Governor of Virginia

Doyle E. Carlton, attorney, and former Governor of Florida.

J. ERNEST WILKINS
Member of Commission

The Rev. Theodore M. Hesburgh, C. S. C., president, University of Notre Dame.

J. Ernest Wilkins, Chicago attorney, and Asst. Secretary of Labor for International Affairs.

They receive pay for each day spent in the work of the Commission, plus travel expense and a per diem allowance.

THE ACT ALSO provides for a full-time staff director who is appointed by the President after consultation with the Commission. Like the Commissioners, he also must be approved by the Senate.

The staff director is Gordon M. Tiffany, of Concord, New Hampshire, formerly Attorney General of that state. He was appointed in February and confirmed in May.

* * *

THE THREE divisions into which the operations of the Commission are divided and their directors are:

Office of Complaints, Information and Survey — A. H. Rosenfield, of Mount Holly, N. J., a Reserve Army Colonel with extensive experience in the legal division of the Military Government in Europe and Korea. During World War II he served on General Eisenhower's headquarters staff in North Africa and in Europe.

* * *

OFFICE OF LAWS, Plans and Research —George M. Johnson, of San Bernardino, Calif., former dean of the Howard University Law school, Washington, D. C., and during World War II counsel for the President's Fair Employment Practices Committee.

Executive Secretary to the Commission—Mrs. Carol Rennier Arth, of Redlands, California, former special assistant to the Secretary of State.

Other than special consultants, secretarial and clerical employees, the remainder of the staff is composed largely of lawyers whose research, analysis and interpretation of Federal and State laws and legal developments are essential to the interim and final reports the Commission makes to the President and the Congress.

U. S. Commission On Civil Rights Is Independent Government Agency

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J. ERNEST WILKINS

lenge is overt, Sen. Johnson is determined to avoid any partisan opposition to the President's program in a spirit of political vengeance.

He is sensitive to the political pundits' predictions that the large liberal element will make for disunity in the party and create a breakdown of the "responsible cooperation" with the White House that has marked the last four years of Democratic congressional control.

In the wake of the Democratic sweep, his expectation is that where the President's programs are consistent with the Democrats', the Senate can still be expected to cooperate with the White House.

Thus, the indicated strategy for the next two years—so far as it is within Johnson's power to control it—is for continued restraint on purely partisan opposition to

Rights Body Calls School Conference

By Richard L. Lyons
Staff Reporter

The Civil Rights Commission announced yesterday it will hold a national conference of public school officials in Nashville next February to discuss problems involved in desegregation of schools.

Chairman John A. Hannah said the Commission's purpose is to gather facts for its report to the President and Congress on denial of civil rights in voting and other fields. But he said he hoped school officials might be helped in solving their problems by getting together and sharing their experiences.

This will be the first Government-sponsored conference on the subject. A study or conference has been urged by various persons to gauge the scope of the desegregation problem and in hopes that troubled communities might profit from the experience of others.

Hannah said school officials will be invited from all parts of the country, but primarily from the South and border states most affected. The Commission will not get the subject of school bombings, Hannah said. Nashville was chosen not because of the Tennessee bombings, but because of its central location, he said.

The Commission agreed as a matter of policy to place under subpoena all witnesses —friendly and unfriendly— whom it wishes to hear at hearings beginning Dec. 8 in Montgomery, Ala., on alleged violations of voting rights in Macon County and other parts of the state.

Vice Chairman Robert G. Storey, of Texas, said specifically that Macon County voting officials who last month refused to let Commission investigators examine their records will be ordered to appear by subpoena. "Pertinent records" also will be subpoenaed, he said. The Commission also will call more than 20 Negroes who have complained that their right to register or vote has been violated.

The Alabama hearing will be the Commission first big test. It will be the first time the year-old Commission has met in open session. It should show how the Commission, equally divided between northern and southern members, will operate and how far it will go in the civil rights fact-finding assignment which it must complete by next September.

Hannah said the northern state voting complaint announced last month came from a Puerto Rican who had been denied the right to vote in New York because he could not read or write English, although he was literate in his native Spanish.

New York, like other states, requires that voters understand English. The Constitution permits the states to set up their own voting requirements. So long as they are applied equally to all citizens, the courts usually do not disturb them.

The Puerto Rican contended he was a special case because Puerto Ricans were made American citizens by act of Congress. They were not required, as naturalized citizens are, to learn English before acquiring citizenship. Knowledge of their own language should be enough to let Puerto Ricans vote in this country, he said.

10 1958 CICIL RIGHTS DECEMBER, 1958 PRESIDENT EISENHOWER

SPURRED BY ALABAMIANS' DEFIANCE

Ike May Drive Deeper Wedge Into Demo Party

By JACK BELL

WASHINGTON (AP)—President Eisenhower apparently is going to call for Congress to legislative action that could widen the Democratic split over civil rights.

Eisenhower already has made it clear he wants an extension of life for the Civil Rights Commission which by law must now conclude its work by next Sept. 9.

Defiance by state officials of the commission's subpoena powers in Congress to be "constructive, not radical" and indicated the state of the budget would have an important bearing on the amount of legislation that would be passed. He predicted that there would be bills in the fields of aid to areas of chronic unemployment, reclamation, and flood control, housing and agriculture probably going beyond the administration's wishes.

An investigation of voting practices in Alabama indicates that Southerners may be girding for a fight against prolonging its life.

Eisenhower avoided specific comment at last week's White House news conference on other legislation he said was under study in the civil rights field.

But it is the general expectation in administration quarters he will come back in his State of the Union message at the Democratic Advisory Council's recent criticism that he has not given "constructive leadership" in the school integration controversy.

Some light may be shed on the President's intentions when he canvasses the domestic sections of his message with Republican congressional leaders at a White House conference Monday.

Vice President Nixon has acknowledged that one of the civil rights suggestions that cabinet members have discussed would call for establishment of a Fair Employment Practices Commission.

Any proposal of this nature would be likely to get the support of Northern Democrats while setting their Southern colleagues off on the warpath, a result the administration obviously wouldn't be averse to seeing happen.

Former President Harry S. Truman's proposal in 1948 for establishment of an FEPC with subpoena powers started the political upheaval that cost him the support of several Dixie states in that year's election.

Southern opposition remains strong to FEPC in any form, including an agency that would have no subpoena power to enforce its orders.

Eisenhower might react to the Democratic council's criticism by calling on Congress to authorize the attorney general to start civil injunction suits against persons charged with trying to deprive other persons of their rights to equal protection of the laws because of race, color, religion or national origin.

How far Eisenhower will go in seeking any federal legislation to enforce the Supreme Court's school integration edicts remains to be seen. The Democratic council called for action in this area but spelled out no specific recommendations.

Eisenhower obviously is going to recommend legislation aimed at countering the wave of bombings of school buildings, places of worship and community centers. There will be Southern support for some form of legislation of this type.

President Previews Law Plans Today

To Parley with Top GOPs; Civil Rights Incomplete

By EDWIN L. DALE JR.

(Copyright 1958 by The New York Times Co.)

WASHINGTON—President Eisenhower will give Republican Congressional leaders a look at his legislative program Monday, but indications Sunday were that some key sections were still incomplete.

For example, in the major sector of civil rights legislation, Justice department officials reported today that recommendations have not yet been agreed upon by the department, let alone approved by the President.

It is also understood that the controversial field of federal aid for school construction is equally undecided at this point, though the odds appeared to be against the president's deciding to include such a proposal in his program.

MAJOR ITEMS SCARCE

The President this year apparently will not have in his programs such major items as last year's defense reorganization and reciprocal trade bill.

His budget director, Maurice H. Stans, has already revealed, however, that the President will make controversial recommendations in a number of areas aimed at gradually reducing the cost of federal programs on transferring them to the states. Last year similar proposals did not even reach the hearing stage in Congress.

Included are likely-to-be-changed proposals in veterans programs, rural electrification, the agricultural conservation program, slum clearance, the vocational education program and federal aid for construction of waste treatment plants. In the latter two, the president will ask that the states take over the financing and be given part of the telephone excise tax pay for it.

TRANSFER TO STATE

In the case of the others, the President will recommend some actual reduction in benefits, spread over a period of time, or a partial transfer to private or state financing.

The program is also certain to include a proposal for farm legislation aimed at further reducing price supports, particularly on wheat and tobacco. This, too, promises to get a cool reception in the new Congress.

The President will probably also tell the leaders Monday of his intention to ask for another postal-rate increase, most likely a boot from 4 to 5 cents for ordinary letters.

He will ask for statehood for Hawaii. He has already signaled his intention of requesting emergency funds for slum clearance and college housing, and for addition to the mortgage insurance authority of the Federal Housing Administration. In the field, housing, his main fight will be to ward off Democratic attempts to vote more funds than he wants.

RIGHTS EXTENSION

In the civil rights field, the President already has disclosed that he will ask for an extension of the life of the Civil Rights Commission, but outside of this the matter is up in the air. There is not even unanimity within the Justice department, for example that federal legislation should be proposed to enable the Federal Bureau of Investigation to deal with bombings of schools and churches.

The President will also ask for

om Atlanta to Athens, and all oads crossing the Blue Ridge lountains.

The patrol warned that bridges ere especially dangerous from cing conditions.

ELEPHONE LINES

The severe storm tore down elephone lines to Blairsville, Blue Ridge and Hiawassee, with nly communications with law nforcement officers by radio available until late afternoon.

Civil Rights Commission To Probe Denials Of Alabama Voting Rights

WASHINGTON (UPI)—The Civil Rights Commission has agreed unanimously to hold a hearing at Montgomery, Ala., Dec. 8 into charges that Negroes are being denied the right to vote in the state.

Vice Chairman Robert G. Storey said conditions at the time will determine whether the commission will subpena voting records of Macon County, Ala., which was denied its staff representatives Monday. Storey said he thought the records would be need for a full hearing.

The commission also announced it will hold a hearing Feb. 2 in New York City on discrimination in public housing and urban renewal projects. Chairman John A. Hannah said the choice of New York as the site did not indicate any feeling the city has been negligent.

The Alabama hearing will be conducted by the entire commission and probably will last about three days. Storey said he assumed the proceedings would be open to the public, although no decision was reached at Thursday's regular commission meeting.

The commission reported additional complaints of voting right denials in Alabama and Mississippi since its previous meeting on Sept. 10. It ordered preliminary surveys of these new complaints. As customary, it did not identify the source of the complaints.

The commission said its Montgomery hearing was called in line with its duty "to investigate every valid allegation that certain citizens are being denied the right to vote and to have theat vote counted by reason of their color, race, religion or national origin."

It said it had hoped to get all the facts necessary "through the cooperation and understanding of local and state officials." But it noted its agents had been denied access to voting records "by Macon County officials acting on the advice of the Attorney General of Alabama." Macon County is predominantly Negro.

Alabama Atty. Gen. John Patterson has advised the state's 67 county voter registration boards to withhold their records from federal agents.

Alabama Official Says Probe Hurts State Rights

MONTGOMERY, Ala., Sept. 11 (AP) — Attorney General John Patterson, the incoming Governor, charged the Federal Civil Rights Commission today with an "unwarranted invasion of states rights" because of its ordered investigation of Negro voting complaints.

Patterson's comment was prompted by the announcement in Washington yesterday that investigators had been instructed to look into charges of discrimination against Negroes in Alabama, Florida and Mississippi.

The Attorney General, whose Democratic nomination for Governor was tantamount to election, said there is "ample procedure to protect the voting rights under Alabama law," but that "I don't know of any case except one which has appealed to court since I've been Attorney General." Patterson said a white man, Robin Mullins, went to court in Russell County.

Mullins was ruled ineligible to vote in Russell County during a reidentification of voters there, the Attorney General recalled. The board of registrars questioned whether the man lived in Alabama or Georgia.

But Circuit Judge J. B. Hicks ruled Mullins was a legal resident of Alabama, Patterson said, and entitled to vote there.

Judge in Vote Issue Wins Renomination

COLQUITT, Ga., Sept. 11 (AP)—Walter I. Geer, who threatened to jail FBI agents or NAACP representatives who come within his jurisdiction and "menace" vote registrars, won an easy victory for renomination in yesterdays Democratic primary.

Geer, who selcted vote registrars accused by the Federal Government of discriminating against Negro voters, defeated Julian Webb, Donalsonville attorney, by a 2-to-1 margin.

VOTING RIGHT PROBE BEGUN

Complaints of Denial in Mississippi Included

WASHINGTON (AP) — The Civil Rights Commission Wednesday ordered investigations of complaints that Negroes have been denied voting rights in Florida, Mississippi, and Alabama.

Chairman John A. Hannah told newsmen that investigators already are at work in one of the states.

Saying "We don't want to make their work more difficult," he declined to say which of the states is the scene of the first actual investigation or to provide more than sketchy information about any of the complaints.

He wouldn't say where in each state the alleged violations occurred.

GETS CO-OPERATION

Hannah described one of the complaints as a compendium of a number of individual complaints. He indicated that each of the others involved more than one person. But he would not say in which state the multiple complaint originated.

Hannah said he hopes there will be some reports from the field by the time the commission meets again, Oct. 22. The commission has been meeting here for two days.

Staff Director Gordon M. Tiffany said that so far there has been no refusal of cooperation by state authorities—"but I have to say that it is pretty early to say whether there is going to be any."

This is the first time the commission has announced the ordering of any specific investigations within its field of looking into alleged infringements on civil rights in voting, education and housing.

The civil rights law enacted last year gave the commission the right of subpoena to obtain information.

HINTS HEARINGS AT SCENE

The commission might decide, on the vasis of its investigators' reports, to hold public hearing on the scene, Hannah said.

As for turning over information to the justice department, Hannah said this was something the commission would have to decide in each case.

But he said so far as he is concerned, he would assume that any information of violations of law which might be turned up would certainly be referred to the proper federal authorities.

Hannah, who is president of Michigan State university, said that the commission has its staff brief it extensively on the current court cases on racial integration of schools, specifically including the Little Rock case to be argued in the supreme court Wednesday and the Virginia cases.

He said the commission has not received any request from President Eisenhower to provide any information or take any action in the various school integration situations and has not proffered anything to the White House on its own.

WILL LIST MEMBERS

The chairman said the commission has now selected the persons it wants to serve on 24 state advisory committees. This includes 15 state committees whose membership previously has been announced and nine selected since.

Vote Halters Are To Face Prosecution

WASHINGTON — (UPI) — Attorney General William P. Rogers said Wednesday that the Justice Department's Civil Rights Division will be on guard for any type of discrimination or ballot-box tampering in next Tuesday's elections.

"Where violations of federal statutes occur, the Department of Justice will promptly and vigorously take prosecutive action," Rogers said.

He said all U. S. attorneys have been instructed to be "particularly watchful and prepared to act upon reports concerning the intimidation or prevention of voters from casting ballots as their free will dictates."

He noted in a statement that the primary responsibility for running elections rests with the states. The federal government has no authority to supervise the conduct of balloting generally.

But he added that "no responsible complaint of discrimination, ballot-box tampering or other possible federal violation will be disregarded."

The Justice Department's Civil Rights Division will have a staff on hand through election day and during the night until the last polling place in the country closes, Rogers said. The division, headed by Assistant Attorney General W. Wilson White enforces federal voting statutes.

Rogers' pre-election statement also asserted that "vote fraud or corruption destroys the very nature of the ballot will be cheered by the leaders of the enslaved peoples as a failure of our free system. This must not happen."

"In the global competition between the free world and the Soviet bloc," he said, "the day set

abide for Americans to choose their elective officials has great importance."

10 1958 CIVIL RIGHTS COMMISSION

Civil Rights Commission at Work; Five Negroes on Staff

By ALICE A. DUNNIGAN

WASHINGTON (ANP) — In spite of the Senate delay in confirming Assistant Attorney General White to head the Civil Rights Division of the Department of Justice, the Civil Rights Commission has already begun work. After many months of delay, the commission has at last set up a skeleton staff of 20 persons to begin a token operation.

The commission has included five Negro members on the initial staff, giving the office the atmosphere of interracial activity. Heading this list is George Johnson, former dean of Howard Law School, who has been appointed chief of the Division of Research and Planning.

ALSO ON THE staff is Eugene R. Jackson, former legal assistant to Assistant Secretary of Labor, J. Ernest Wilkins.

Mrs. Vivian Snowden Bullock is secretary to the executive director, Gordon Tiffany, and Mrs. Eleanor B. Patterson is secretary to the executive secretary, Mrs. Carol R. Arth. Mrs. Patterson was formerly with ICA, and Mrs. Bullock with the Department of Defense.

Edgar A. Featherson is serving as driver-messenger.

By the time the commissioners meet again on June 10, it is hoped that each will be ready to name his legal adviser and the work can move into high gear.

Negro Named To Rights Aid Unit

LANSING, Mich. — Dr. L. C. Downing, Roanoke, Va., physician, is the sole Negro selected to serve on Virginia's seven-man Advisory Committee.

He was appointed by Dr. John A. Hannah, chairman of the Commission on Civil Rights, which is selecting committees to serve in various states where the commission plans to probe for violations of civil rights.

Dr. Downing was one of seven persons selected in Virginia.

J. Randolph Tucker jr., chairman, of Richmond, a former member of the Virginia House of Delegates; Mrs. Mary E. R. Hartz of Waverly, Va., former president of the Virginia Federation of Women's Clubs; State Sen. Floyd Landreth, of Galax, Va.;

Herbert Gerst, Norfolk, attorney and business man; W. C. Daniel, Danville, past national commander of American Legion, and J. Maynard Magruder, of Arlington, former member, House of Delegates.

4TH ANNOUNCED

The Virginia Committee is the fourth to be announced by the commission.

Those already named are in Texas, Indiana and Florida.

Upon request of the commission, the Virginia Advisory Committee will perform these functions and responsibilities:

1. Advise the commission in writing of any knowledge or information it has of any deprivation of the right to vote and have that vote counted by reason of color, religion or national origin.

2. Attend, as observers, any open hearings the Commission on Civil Rights may hold in Virginia.

3. Advise the commission of all information concerning legal developments constituting a denial of equal protection of the laws.

4. It may review proposed interim and final reports of the commission, in an advisory capacity and make recommendations to the Commission.

5. It may receive reports, suggestions and recommendations from individuals and public and private organizations regarding duties of the commission as set forth in the Civil Rights Act of 1957, and may forward to the commission its evaluation of such suggestions.

6. The committee, on its own initiative, may forward advice and recommendations to the commission relative to any subject which it feels should come within the scope of the commission's duties.

FIVE (5) NEGROES ON STAFF

2 Mich. Negroes On Rights Unit

Leefender p. 3

EAST LANSING, Mich. — Two prominent Negro civic leaders were among the nine persons named to the Michigan Advisory Committee to the Federal Commission on Civil Rights.

They are Mrs. Jessie Gal McNeil, president of the Michigan Council of United Church Women, Detroit, and Edward M. Turner, Detroit attorney and president of the Michigan Conference of Branches NAACP.

Their appointment was announced by Dr. John A. Hannah, commission chairman and president of Michigan State university.

Charles E. Wilson, former Secretary of Defense and former president of General Motors Corp. was named chairman of the advisory committee.

Other members of the committee are:

Louis J. Berman, publisher Whitehall Forum, Whitehall, Mich.; Monsignor Arthur F. Bukowski, president of Aquinas college, Grand Rapids; Frank Manley, director of the Mott Foundation program at Flint; Mrs. Thomas F. McAllister, member of the Grand Rapids Human Relations Commission; Frank Merriman, Deckerville forum leader, and August Scholle, president of the Michigan State AFL - CIO, Detroit.

The committee held its organization meeting this week at Michigan State university here.

This is one of 48 such state committees the commission will appoint to advise it about civil rights matters and recommend corrective action.

Other states in which advisory committees already have been named are Florida, Texas, Indiana and Virginia.

Civil Rights Commission Selecting State Advisory Group

Nivelle Beauvien, above vice president of the Industrial National Bank of Providence, [illegible] manager of the Six Corners Branch in East Providence, was appointed chairman of the Civil Rights Commission's Rhode Island Advisory Committee.

Born in Lancaster, Pennsylvania, young Beauvien moved with his family to Rhode Island when he was six and [illegible] public schools in Providence and the University of Rhode Island.

His ambition was to be a chemist but World War II interrupted his college education in his junior year. He spent three years with an Air Force operations unit in the European Theater. He was mustered out of service in 1945 at the grade of sergeant.

Back in civilian life he went to work in the finance section of the Veterans Administration and then got a job with the bank as a loan interviewer. He took courses in banking at Boston University while employed at the bank.

He is married to the former Honora Williams of Providence. They have two sons, 10 and 11 years old. Mr. Beauvien is active in community affairs. This year he was town chairman of the United Fund campaign for East Providence where he resides 11-28-50

Mr. Beauvien is the first Negro to be appointed by the Commissioner as chairman of the State Advisory Committee. Harry A. Cole, Baltimore lawyer and member of the Maryland State Senate, became the first Negro to head a state committee when he was elected chairman by the Maryland group a few days before Mr. Beauvien's appointment was announced.

Advisory Committees of from five to nine members have been named for 344 states. Eight others have been approved and will be announced by the end of November. Similar groups are being organized in the remaining six states, and in Puerto Rico, Hawaii, and the soon-to-be admitted state of Alaska.

Most of the state committees include one or more Negro members. Some have been elected vice chairman or secretary of their respective groups, and many head subcommittees.

10 1958

New civil rights laws proposed

Afro American

By LOUIS LAUTIER

WASHINGTON (NNPA) — Paul M. Butler, chairman of the Democratic National Committee, at his first press conference after the Democratic sweep in Tuesday's election outlined a human rights legislative program which he hopes the heavily-dominated Democratic 86th Congress will consider.

Mr. Butler outlined his human rights program at a press conference Friday, the day after Senator Lyndon B. Johnson of Texas, the Senate Democratic leader, had revealed plans for legislative action in the next Congress.

* * *

THE PLAN they are preparing to lay before the House and Senate does not include civil rights. Senator Johnson believes that civil rights can best be advanced through an economic program— housing, full employment, and federal aid to education— rather than legislation seeking to strengthen existing Federal civil rights laws.

Both Johnson and Rayburn were reported to be approaching the civil rights issue with caution. Senator Johnson prefers to wait and see what report the Civil Rights Commission makes to the President and Congress before the Senate takes up civil rights.

Asked whether he expected civil rights to be added to the legislative program revealed by Senator Johnson, Mr. Butler said he thought the Texan indicated that civil rights was an important problem but members of Congress would be willing to wait until they had reports from the Civil Rights Commission on some of the investigations it is making.

The Commission is not due to submit its report to President Eisenhower and the Congress until Sept. 9, 1959.

MR. BUTLER recognized that the Commission at this time is concerned solely with voting rights.

Mr. Butler said he hoped that Senate and House committees would give consideration to what he terms "human rights" legislation in areas other than just voting rights.

As subjects for Congressional consideration in this field he mentioned protection against personal violence which has been under consideration in the past and the need for strengthening certain laws on the statute books now.

Liberals in the next Congress, both Democrats and Republicans, will push for legislation to authorize the Attorney General to bring civil suits in Federal courts to enforce constitutional rights other than the right to vote.

Such legislation was in the civil rights bill which the Administration submitted to Congress, but it was stricken out in the Senate.

* * *

MR. BUTLER said there is "a great area of opportunity and challenge" to the Eisenhower Administration, particularly Attorney General William P. Rogers, to enforce existing Federal civil rights laws.

In making this comment, Mr. Butler directed attention to Life Magazine. which, he said, in its current issue, hailed Mr. Rogers as a potential champion of civil rights.

The Democratic National Committee will meet here on Dec. 6. At that time it is expected to select a site for the 1960 Democratic national convention. It also will act on the demand of Louisiana segregationists for the ouster of Camille Gravel, Jr., as Democratic National Committeeman for Louisiana.

Mr. Butler told reporters that the committee may also consider a motion to censure him for his bold stand on civil rights.

* * *

GRAVEL, who is chairman of the convention site subcommittee, asked Mr. Butler to convene the credentials committee on Dec. 5. Mr. Butler said he has called the committee to meet here on Dec. 5 to consider the challenge to Mr. Gravel's remaining a member of the National Committee.

CIVIL RIGHTS COMMISSION

The Louisiana State Democratic Central Committee has filed with the National Committee here a certified copy of the minutes of its meeting held in Baton Rouge, La., Oct. 8, along with credentials of Jett Talbott, a rank segregationist, who was chosen to succeed Mr. Gravel.

Mr. Butler has ruled that the state committee has no power to remove Gravel, that only the National Committee may remove a national committeeman between national conventions, and that Mr. Gravel will continue as a member of the national body.

* * *

HE TOLD reporters that he will write Talbott a letter and tell him that the matter will be considered on Dec. 3 and that he, his counsel and friends may diana State Legislature.

For the office of Circuit court judge in St. Louis, jurist Theodore McMillian captured 100,140 votes to be returned to the bench for six years.

Judge Louis Comerford was also reelected by a vote of 98,153. Democrats Jordan W. Chambers and Fred Weathers, candidates for magistrate and constable posts in St. Louis, also were reelected by big margins.

Llewellyn Smith of Kirkwood, Mo. was one of 13 commissioners elected to write a charter for that city.
come to Washington and be heard at that time, if they desire.

Mr. Butler denied that there were any differences between him and former President Harry Truman over reading the Dixiecrats out of the Democratic party.

He explained that Mr. Truman was asked at a press conference if he believed that the chairman of the Democratic National Committee was right in trying to read people out of the Democratic party.

Mr. Truman replied that he was not in favor of reading anybody out of the party.

"I believe very strongly that nothing I have said can fairly and honestly be interpreted as reading anybody out of the party," Mr. Butler said.

* * *

HE ADDED that no chairman at any level has any right to read anybody out of a political organization.

But the chairman emphasized that he will not back down from the stand he has taken that the Democratic Party can win the confidence of the people in 1960 "only by taking a Forthright stand on human rights."

He repeated what he has said several times that if Southerners do not like the position the Democratic Party takes on civil rights, they can:

1. Stay in the party and fight to have their position prevail.

2. Leave the party, stay home and not vote at all in 1960.

3. Join the Republican Party if there is a Republican Party in their state.

4. Go out and devote their time, talents and money to organizing a third-party movement.

Asked if the Democrats can win in 1960 without the South, Mr. Butler declined to say that "we can win in 1960 without anybody. We want everybody we can possibly get. The greater the number, the greater the margin of victory and the greater the mandate and challenge to serve the people."

* * *

HE POINTED OUT, however, that when the Dixiecrats left the party in 1948, Truman won, "and without New York."

In the Nov. 4 election, Mr. Butler said, colored voters came back to the Democratic Party "to the levels achieved in 1952 and 1954, prior to the Supreme Court decision (against segregated public schools) and Little Rock."

"I think the colored vote in 1958 was almost normal except perhaps in some of the assembly districts in New York and the gubernatorial race," he said.

The human rights issue is a factor in whether he will stay as chairman of the National Committee, Mr. Butler said. He will tell the committee at its meeting here Dec. 6 whether he will continue or resign.

The field of human rights is the only area in which the Democrats have trouble other than finance, Mr. Butler said.

He disclosed that the National Committee still owes more than $700,000 from the 1956 Presidential campaign.

* * *

IN VIEW of the defeat of Rep. Brooks Hays in Little Rock by a die-hard segregationist, he was asked if it would not be political hari-kiri for a southerner to endorse the views of the national party.

NEW CIVIL RIGHTS LAWS PROPOSED

"I do not believe you can compromise on an issue like human rights," Mr. Butler replied.

"This is not a political issue. I see no basis for compromise. Where you have a situation where the Supreme Court says a decision is the law of the land, and decisions of inferior courts of federal jurisdiction under the Supreme Court are the law of the land applicable to school districts or areas affected by the decision — I do not think you can compromise by saying 40 states will recognize the decision and eight will not, or that we will recognize the decision half the time, or when the schools are closed and not when they are opened.

* * *

"I DO NOT believe the people will have confidence in any party that will say the public schools must be closed in order to avoid integration. There must be full opportunity for all people to go to school.

"So far as I am concerned, that is the law of the land and I think the people will recognize it.

"I am not saying that any of these men who hold public office has to take the position the party does. I, for myself, if I were a candidate, would want my position on the issue to be known, regardless of whether it was going to win or lose votes.

"I believe you cannot take a position just to assure your own election, but you have got to be concerned about the good of the people."

Mr. Butler added that he has taken his position without regard to winning or losing votes "because it is a proper, moral position."

He said the things he has said about civil rights may have restored the confidence of colored people "in the capacity of the Democratic Party to serve the best interests of the largest number of our people much more effectively than the Republican Party."

Administration Drafts Wider Rights Laws

By HELEN THOMAS,
United Press International.

WASHINGTON, Nov. 13.—Attorney General William P. Rogers said today the administration is preparing broad new civil rights legislation aimed particularly at dynamiters of schools and churches and peddlers of hate literature.

Mr. Rogers said the legislative proposals now being drafted will run "the whole gamut" of civil rights and problems created by Southern resistance to school integration.

He told a news conference he expects the proposed legislation to be ready for submission by the time the Democratic controlled 86th Congress convenes Jan. 7.

Orders Probe.

Mr. Rogers also disclosed that he has ordered a federal grand jury investigation to determine whether the arrest of three Negro ministers at Birmingham, Ala., last month violated their civil rights.

There have been a number of bombings of schools, churches and synagogues in both Southern and Northern communities throughout this year as well as a series of dynamiting threats.

These episodes, plus an increase in distribution of racial and religious hate literature, have prompted growing demands by Senate and House members for legislative action.

Mr. Rogers noted that the federal government did not want to infringe on local responsibility or to relieve local officials of their duty to clear up the bombing cases.

He conceded that any federal statute which would try to spell out a plan for desegregating schools would "run into trouble." He indicated that it would infringe on local responsibility.

As for hate literature, Mr. Rogers said that Justice Department officials have had conferences with top postal authorities to consider possible legislation.

"It's a difficult field," he said. "But, if we do succeed in coming up with a proposal, we are going to ask for the most severe penalty."

Mr. Rogers noted that one of the most serious barriers in dealing with the problem of hate mail is the fact that postal authorities are not permitted to open mail which is sealed.

He made it clear that he had a definite change of heart on the need for new civil rights legislation.

Last year, he suggested a waiting period to see how the civil rights act would work out.

The ministers in the Birmingham case were identified as the Revs. S. S. Seay, A. W. Wilson and H. H. Hubbard.

Mr. Rogers said he had ordered the grand jury inquiry after Eugene Connor, commissioner of public safety at Birmingham, refused to discuss any phase of the case with the Federal Bureau of Investigation.

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BUTLER RULES OUT SOFT RIGHTS STAND

Bars Compromise In South and Sees Strong '60 Plank

By ALLEN DRURY

Special to The New York Times.

WASHINGTON, Oct. 22—Paul M. Butler denied today that he had tried to read Southerners out of the Democratic party. But he made it plain that the party would not compromise with them on the issue of civil rights.

He challenged them, in effect, to oust him from the national chairmanship if they did not like his views—and if they had the votes to do it.

In a "no compromise" speech to the National Press Club, Mr. Butler took on both his Southern critics and the Republican party.

He said that President Eisenhower, Vice President Richard M. Nixon, Meade Alcorn, national chairman, and other leaders of the G. O. P. had indulged in "smears" and "name calling" in the Congressional campaign.

Mr. Butler indicated he was confident that if anyone left the Democratic party it would be some Southerners. He foresaw the possibility of a Southern walkout at the 1960 Presidential nominating convention, and said a third party might be formed to accommodate Southern views on race.

Pledges Party to Integration

For the national party, he pledged flatly that there would be no compromise on "the moral issue of racial integration."

The chairman thus resumed the offensive in his running warfare with Southern Democrats who have loudly criticized his views on the civil rights issue.

His remarks showed a willingness on the part of Northern liberals in the party to break openly with the South rather than retreat from their support of Supreme Court decisions opposing racial discrimination and ordering integration in the schools.

Only yesterday Senator George A. Smathers of Florida, one of the Southern Democrats who oppose a third party, urged Mr. Butler to forget the divisive civil rights issue until 1960 and concentrate now on electing a Democratic Congress on Nov. 4.

Mr. Butler followed this advice today in his prepared text. But as soon as informal questioning began, he pulled no punches in stating exactly where he stood.

Takes Civil Rights Stand

He said he had "not read anybody out of the party, will not read anybody out of the party, and I have no authority to read anybody out of the party."

However, he said, there is a possibility that the 1960 convention might adopt a strong civil rights plank in the platform and that this "might very well result in some Democrats walking out of the convention."

"I believe there will be no compromise," he said, "on a problem as clearly and definitely a moral issue as is the racial question. I do not believe there can be any compromise in the Democratic National Convention of 1960 on the issue of integration."

Then, taking cognizance of Southern demands that he resign, Mr. Butler aded:

"If fifty-five members of the 108 members of the national committee are not not satisfied with what I say, they can recall me at any moment."

Showdown Possible

Later Mr. Butler announced at Democratic headquarters that the national committee would meet in Washington on Dec. 6—a date that could bring a showdown between the chairman and his critics if he should decide he wants to continue on the job. Mr. Butler has said he will disclose sometime after Nov. 4 whether he wishes to remain in office.

In his talk on the election, Mr. Butler said:

"When we win, we are not going to stoop to recrimination and partisan bickering during the last two years of the Eisenhower term."

He predicted that when the election was over and tempers had cooled many Americans would share "a feeling of disquiet, perhaps of shame, over the tone of the Nixon-Eisenhower campaign of 1958."

On the Republican side, Mr. Alcorn asserted that Mr. Butler last week had "read the Southerners out of the party."

The Republican chairman said Mr. Butler had deplored Southern domination of the party in Congress through powerful chairmanships held by Southern members.

He said it was puzzling that Mr. Butler could ask the country to vote for Democratic Congressional candidates "when in the next breath he concedes that a Southern-dominated Democratic Congress poses a very serious question for the country."

CIVIL RIGHTS

NATIONAL COMMITTEEMAN
MR. PAUL M. BUTLER

WASHINGTON BACKGROUND

First Test in South For Civil Rights Bill

By JOHN C. O'BRIEN
Inquirer Washington Bureau

WASHINGTON, March 21.

THE efficacy of the new Civil Rights Act will be put to its first test in primaries to be held this spring in the Southern States. The first of these will be held in Alabama on May 6.

Because victory in a Democratic primary in a Southern State is, in most instances, the equivalent of election, the Southern primaries will be watched closely for attempts by election officials to interfere with Negro voters in the exercise of their franchise.

JOHN C. O'BRIEN

The Attorney General for many years has had the power to start criminal proceedings against persons who infringe the right of citizens to vote. In practice, however, it has been extremely difficult, particularly in Southern States, to get convictions. Such progress as has been made in enforcing the right of Negroes to vote has been achieved through civil suits, usually undertaken at the instigation of the National Association for the Advancement of Colored People. Inquirer p. 8

Last year Congress passed a new civil rights act adding to the powers already possessed by the Attorney General the authority to bring civil actions to enjoin any public official or private person from interfering with a citizen's right to vote in any election—Federal, State or local. Sun. 3-22-58

THE DEPARTMENT OF JUSTICE has announced that it will enforce the new act "with the same vigor" with which other laws are enforced. At the same time the department warned that the new act will not work miracles. Philadelphia, Pa.

As outlined by the Department of Justice, the procedure will be first to have the Federal Bureau of Investigation look into any complaint alleging violation of the new act. If the investigation substantiates the charges, the Government will seek an injunction against the accused official or person. If an injunction is issued and obeyed, no further action will be taken. If the injunction is ignored, the judge may cite the offender for contempt of court.

Whether the offender is charged with civil or criminal contempt is a matter for the judge to decide. If the charge is civil contempt, the offender is to be tried without a jury. If the jury finds the offender guilty, the judge may order the offender detained until compliance is promised, or he may be fined.

* * *

WHERE an offender is adjudged guilty of criminal contempt, the new act empowers the court to sentence him to as long as six months in jail, or to pay a fine not to exceed $1000, or both. If, however, the detention ordered is for more than 45 days in jail or the fine is more than $300, the offender would be entitled to a new trial before a jury.

More Negroes will be qualified to vote in the Southern States in the spring primaries than ever before. In the past ten years the number of registered voters has more than doubled, while the size of the Negro population has remained virtually stationary.

While it has been claimed that Negro voters hold the balance of power in some large Southern cities, the most influential Negro vote is that cast by members of that race in the North. It has been estimated that the Negro vote in about a dozen Northern, Western and Border States could swing the elections for Senators and the House of Representatives

10 1958

CIVIL RIGHTS

President Nominates Dakota Woman To Civil Rights Post

WASHINGTON (AP) — Mrs. Barbara Bates Gunderson, 41-year-old Republican national committeewoman from South Dakota, was nominated by President Eisenhower Monday to be a member of the Civil Service Commission.

Mrs. Gunderson, a Midwest radio broadcaster and writer, was one of Eisenhower's campaign boosters when he first ran for office in 1952 and was a leader in citizens - for - Eisenhower movements.

The President picked Mrs. Gunderson to replace Bernard L. Flanagan as his nominee for the three-member commission. Flanagan's nomination was withdrawn after a controversy developed over his confirmation by the Senate. He had admitted making some misstatements on government job application forms.

If she gets Senate confirmation for the $20,000-a-year job, Mrs. Gunderson will be the fourth woman to serve on the commission.

This is the second time within three weeks Eisenhower has tapped Republican women leaders for government appointments. On July 21 he named Miss Bertha Adkins, assistant chairman of the Republican National Committee, to be under secretary of health, education and welfare. She is awaiting Senate confirmation for the $21,000-a-year post.

Mrs. Gunderson, a GOP national committeewoman since August 1952, was born in Bradley, S.D. She is a graduate of Yankton (S.D.) College and is the wife of Robert W. Gunderson, Rapid City, S.D., attorney. They were married in 1941.

White House Press Secretary James C. Hagerty said Mrs. Gunderson would resign her GOP committee post if her nomination is confirmed for the commission term, which runs to March 1, 1961.

BARBARA GUNDERSON
Civil Rights Appointee

Post In Civil Service Given Woman Leader

South Dakota GOP Committeewoman Nominated By Ike

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MRS. BARBARA BATES GUNDERSON
NOMINATED BY PRESIDENT EISENHOWER
MEMBER OF CIVIL RIGHTS COMMISSION

Nominees Doubt Right To Probe Little Rock

© New York Times News Service

Washington, Feb. 24.—Members of the new Civil Rights Commission told the Senate Judiciary Committee Monday they do not feel they would have authority to investigate any such incident as the school-integration dispute at Little Rock.

They also said they did not regard the commission as a "tool" of the Justice Department, and in fact intended to keep it entirely separate and apart from the Department.

Rogers Agrees

Attorney General Rogers was pictured in the testimony as holding the identical view.

The committee heard, but did not act upon, these nominees to the commission:

Dr. John A. Hannah, president of Michigan State University, chairman of the commission; Dr. Robert G. Storey, dean of the Law School, Southern Methodist University, vice-chairman; former Governor Doyle E. Carlton of Florida; former Governor John S. Battle of Virginia; the Rev. Theodore M. Hesburgh, president of the University of Notre Dame, and J. Ernest Wilkins, assistant secretary of labor.

Senator Eastland, (D., Miss.), committee chairman, told newsmen the nominations might be confirmed at the next regular committee meeting next Monday.

They're Fact-Finders

Dr. Hannah, Battle and Father Hesburgh described their job as "largely a fact-finding problem." All said they did not feel they had the power to investigate Little Rock or any similar situation.

Under questioning by Eastland as to whether the commission would use its subpoena power to gather information for the Justice Department, which does not have such power, Dr. Hannah said:

"We should use our subpoena power to gain the information we need. I would reject the notion that the subpoena power be used by us to gain information for any other agency."

Earlier in the day the commission put Gordon M. Tiffany, who like the commission members, has yet to be confirmed by the Senate to be the group's $22,500-a-year staff director, on its payroll, as a $50-a-day consultant. He told reporters this was done so the commission could "get off the ground and get things going."

mittee's agenda for next Monday.

The commission made a bit of headway at a closed-door meeting Monday morning by employing its proposed staff director, Gordon M. Tiffany of Concord, N. H., as a $50-a-day "consultant." Appointed after Congress convened last month, Tiffany — former Republican attorney general of New Hampshire — cannot take over his duties as $22,500-a-year director until confirmed by the Senate.

Rights Unit To Ignore Little Rock

WASHINGTON — (AP) — Dr. John A. Hannah, head of the government's new Civil Rights Commission, said Monday the group had no thought of taking a hand in the Little Rock school integration situation.

He told the Senate Judiciary Committee the commission regards itself as an independent body with no responsibilities to any other agency.

Hannah said Attorney General William P. Rogers had agreed it would be "a serious mistake" if any relationship were established between the commission and the Justice Department.

Hannah, president of Michigan State University, and his five fellow appointees to the commission appeared before the committee as a prelude to Senate voting on whether or not to confirm them. All six were questioned in a gentle manner.

When the questioning was completed, Chairman James O. Eastland (D., Miss.) said the subject would be on the com-

Wilkins Reports Civil Rights Gains At Annual Conference

World, P.B. Ham, Ala. Sat. 1-11-58

NEW YORK — Not only were there notable civil rights gains during 1957, but there was also increased financial support of the NAACP's campaign to end racial discrimination and segregation, Roy Wilkins, the Association's executive secretary, declared here Monday at the 49th annual meeting of the National Association for the Advancement of Colored People.

Cited as top achievement in civil rights were the enactment of the Civil Rights Act of 1957, the first such measure passed by Congress in 82 years, and the dispatch of federal troops to Little Rock to prevent interference with a federal court school desegration order.

Despite stepped-up efforts to cripple or ban the NAACP in certain southern states, the Association's total income for general operating and special reserve funds reached an all-time peak of $962,838.88 for the period January 1 through December 20, 1957, Mr. Wilkins asserted.

SPINGARN PRESIDES

The meeting, attended by members and officers of the Association from all sections of the country, was presided over by Arthur B. Spingarn, New York attorney, and the Association's longtime president. Reports on the year's activities were submitted not only by Mr. Wilkins but also other staff members heading departments.

The appointment of three southerners to the new six-man Civil Rights Commission is "a circumstance which need not be fatal to meaningful accomplishment, but which is understandably cause for uneasiness in light of the widespread defensive and defiant public opinion in the southern states," the NAACP leader asserted.

"If the South uses this representation," he continued, "to delay action, to gloss over conditions, to ignore known evils, to censor reports, to restrict investigations, and to secure either a whitewash of its region or force the presentment of a soft indictment, the ideals of the nation will have been betrayed at a time when America sorely requires their re-affirmation."

Plan to renew drive for civil rights law's Part 3

Afro-American Baltimore, Md. Sat. 1-18-58

NEW YORK — The NAACP will join other civil rights groups in urging the second session of the 85th Congress to restore Part 3 to the civil rights bill passed by Congress last summer, Clarence Mitchell, director of the Washington bureau, reported at the 49th annual meeting Monday.

This section of the bill which would have authorized federal intervention to sustain civil rights, as in school desegregation cases and in other deprivations of rights, was stricken from the bill by the Senate after a bitter debate.

Mr. Mitchell declared that the association "never underestimated the potential good in Part 3."

* * *

HE ADDED that Rep. Emanuel Celler (D., N.Y.), chairman of the House Judiciary Committee, and Kenneth Keating (R., N.Y.), ranking minority party member of the committee, "are both pledge to resume the fight to get Part 3 enacted into law when the next session of Congress begins."

Mr. Mitchell reviewed the work of the Washington bureau during 1957, reporting particularly upon the activities to secure enactment of the civil rights law.

Other activities included unsuccessful efforts to secure an antisegregation amendment to the federal - aid - to - school-construction bill, **a change in the Senate cloture rule to permit limitation of debate and an amendment to prohibit the use of federal funds to build segregated hospitals.**

10 1958 CIVIL RIGHTS COMMISSION NEGRO VOTE

Civil Rights Commission Told How South Denies Negro Vote

Weekly New Orleans Tr. Sat. 3-10-58

By Alice A. Dunnigan for ANP

WASHINGTON -- The President's Commission on Civil Rights was formerly presented Monday with first hand reports on restrictions used in southern states as a means of preventing the Negro from voting.

The reports were officially made by Negro and white leaders from seven southern states at a conference held at Asbury church. At the close of the meeting, the audience of some 800, unanimously approved a resolution recommending "the Southern Conference Educational Fund, Board of Directors, (to) present the findings of this Conference to the Commission on Civil Rights at the earliest possible moment, filing this material for the information of the Commission."

The resolution further urged the Commission to "call for immediate remedial action" about those conditions which prevail throughout the South, "especially during the election year. The Executive and Legislative branches of the Governmen were asked to take "a prompt disposition of any litigation affecting the voting rights of individuals."

A report on the status of Negro's voting rights in Alabama was made by Charles G. Gomillion, president of the Tuskegee Civic Association. The Rev. Ben F. Wayland, executive secretary of the Council for Racial Cooperation at St. Petersburg, reported on Florida's methods. Austin T. Walden, civil rights attorney of Atlanta, gave a report on Ga., and Kenneth Walker, publishe of the Colfax Chronical, reported on Louisiana.

In summarizing the reports Dr. James M. Nabrit of Howard University pointed out that the Negro voter in the South must run the gauntlet of apathy, ignorance, fear, bodily harm and racial discrimination in order to get registered to vote. Then after they are registered they must face these same obstacles in order to vote.

He expressed a need (1) for political action to enlist national party support of a strong and decisive report by the Civil Rights Commission, (2) A south-wide state by state campaign to get Negroes to register and (3) An educational campaign to instruct Negroes in the value of the vote, the use of the ballot, how to register, how to vote, and that voting is a federal right.

In Louisiana some registration rolls have been purged under an ancient registration law. Walker described a "purge" as an organized move to go through the voter rolls and challenge imperfect registrations. In most parishes only Negroes are challenged.

He expressed a belief that the shortage of Negro registrants in Louisiana stems from essentially two things: the lack of concern, and a "don't want to cause no trouble" attitude. The lack of ability to read and write well is also an obstacle. But the white editor believes that the situation is getting better in Louisiana.

Negroes represent 30 percent of the total population of Alabama but only make up 6 percent of the voting strength according to Dr. Gomillion. Some Negroes fail to vote, he said, because they place little value upon the act. Some do not want to, or perhaps forget, to pay their poll tax.

The Mississippi report reveald that only six of that state's 82 counties permit Negro citizens to register and vote freely. In 43 counties there is a situation where every now and then a Negro is able to register.

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CIVIL RIGHTS FOR OKLAHOMA
STATE ADVISORY COMMITTEES

NEGROES ON COMMITTEE

Five Named To Rights Group

WASHINGTON, D. C. — Five Negroes are among 25 members of State Advisory Committees named this week by the Commission on Civil Rights for Oklahoma, Arkansas, New Mexico and Arizona.

C. Felton Gayles, Director of Athletics at Langston University, was one of seven named to the Oklahoma group. The Arizona Committee of five includes William F. Mullins, Phoenix, receiving clerk for the Palmer Manufacturing Co.

The Arkansas Committee of seven includes Joseph R. Booker, of Little Rock, an attorney, and Dr. Lawrence A. Davis, President of the Agricultural and Mechanical College at Pine Bluff.

A postal employee long active in civic affairs, Hobart L. LaGrone of Albuquerque, was appointed on the six member New Mexico advisory group.

Gayles has had a hand in developing many of the nationally prominent football teams at Langston University. He has been active also in civic matters and human relations groups for many years.

Booker has practiced law in Little Rock since 1917. He formerly was president of the National Bar Association and a trustee of Arkansas A.M. and N. College. He holds membership on the Little Rock Recreation Commission, the Arkansas Council on Human Relations, the American Judicature Society, and the American Bar Association.

Dr. Davis is a member of the Executive Committee of the Negro Land Grant College Presidents Association. He holds membership in the National Education Association, the American Teachers Association, the American Association of School Administrators and Omega Psi Phi Fraternity.

Mullins is chairman of the Arizona AFL-CIO Civil Rights Committee, and a director of the Phoenix Urban League.

LaGrone, a member of the Governor's Committee on Mental Health, and the Advisory Committee on the Western Region, belongs to a number of interracial and human relations groups. He served for 11 years as president of the Albuquerque chapter, as organizer and president of the New Mexico State Conference of Branches, and as a member of the Southwestern Region Board of the National Association for the Advancement of Colored People.

The Commission on Civil Rights is forming similar committees in each State to advise it of violations, developments and progress in the field of civil rights.

Previously five such committees have been announced, for Texas, Florida, Virginia, Indiana and Michigan.

Dr. John A. Hannah, Chairman, said that in addition to the four committees announced today, similar groups for 17 other states have been tentatively approved by the Commission.

Names of the members of the additional committees are being withheld, however, pending completion of routine security checks.

The complete list of members of the four new Committees follows

Part 3 of rights bill must-Keating

WASHINGTON (NNPA) — Part 3 of the original civil rights bill, as it passed the House last year, must eventually, in substance, become the law of the land, Rep. Kenneth B. Keating (Rep., N.Y.) declared Monday.

Addressing the Anti-Defamation League of B'nai B'rith's "Dinner with Congress" at the Mayflower Hotel, Mr. Keating said events since passage of the civil rights bill "have shown conclusively the need for this protection."

Part 3 would give the attorney general the power to bring civil actions to enjoin threatened violations of constitutional rights other than the right to vote. The latter right is protected by the Civil Rights Act of 1957.

"We have the votes to pass such a measure," Mr. Keating said. "The attorney general has announced publicly that the administration still favors Part 3. If Congress will pass it, the President will sign it."

* * *

MR. KEATING said the Civil Rights Commission is intended "to make a board inquiry into all aspects of all civil rights." The language of the statute, he added, "clearly bears out that construction."

President Eisenhower praised B'nai B'rith for its activities in human rights. In a special message to the Jewish service organization, the president said the civil rights act was "a significant event in the life of the nation."

The league's dinner was held to present to the congressmen its 1957 "America's Democratic Legacy" silver medallion, annually awarded for "distinguished contributions to the enrichment of American democracy."

* * *

THE AWARD was presented to the 85th Congress for its passage of the first Federal civil rights legislation in 82 years.

Sen. William F. Knowland of California and Mr. Keating accepted the award in behalf of the Republican members and Sen. Hubert H. Humphrey of Minnesota and Rep. Emanuel Celler of New York, accepted it for the Democrats.

The league's national chairman, Henry E. Schultz of New York, presented the awards. Philip M. Klutznick of Park Forest, Ill., president of B'nai B'rith, and Mrs. Hy Kornbleet of Kansas City, Kan., president of B'nai B'rith Women, also spoke.

ner bill "could be the opening wedge in a determined effort to destroy the effectiveness of our judicial system."

Such action, he said, "would almost certainly nullify the 14th Amendment" and "would eventually lead to the possibility of unrestrained action by state governments against any group that might at the time be in disfavor.

"This, to my mind, is the opposite of constitutional government as intended."

* * *

MR. MARSHALL added that "mere disagreement with certain decisions . . . should not be sufficient to start toward the complete restriction of the jurisdiction" of the Supreme Court

Sen. Thomas C. Hennings (Dem., Mo.), also testified against the bill.

"The bill would establish a very dangerous precedent and would be a first step toward the destruction of our present judicial system," said Senator Hennings. He was responsible for the full Judiciary Committee returning the bill to the subcommittee for further hearings.

The Jenner bill, he said, "would take from the Supreme Court its appellate jurisdiction in certain areas because of disagreement with its decisions in this area.

* * *

"THE NEXT step might be to take from the Supreme Court its jurisdiction in other areas when there is disagreement with its decisions."

He pointed out that Senator Jenner, discussing the bill on the Senate floor, criticized the Supreme Court for its decisions in the Stephen Girard and the Mallory cases.

These cases, he said, had no logical connection with the Jenner bill.

The Girard decision had to do with a will establishing an orphanage in Philadelphia, from which colored boys were barred, and the Mallory decision bars police from holding a prisoner for questioning before taking him before a magistrate.

Support to civil rights bills urged

LOUISVILLE, Ky.—(NNPA)—Kentucky legislators, state officials and leading citizens are being urged to give full support to three civil rights bills introduced in the lower house by State Rep. Felix Anderson of this city.

The appeal was contained in letters sent last week by the Southern Conference Educational Fund board to all Jefferson County members of the Kentucky General Assembly, the governor, lieutenant governor, speaker of the house and 800 leading citizens.

In appealing to the legislators' sense of justice and patriotism for support of the bills, the conference letters pointed out that their enactment into law "would make this state a better place in which to live."

ANDERSON bills would:

(HB 420) Authorize the Board of Aldermen of Louisville to enact an ordinance prohibiting discrimination because of race or color in any place of public accommodation.

(HB 421) Prohibit denial of any privilege afforded customers of mercantile establishments to anyone becuase of race.

(HB 422) Prohibit refusal of admission or service to anyone because of race in places of public accommodation and entertainment.

Members of the board who signed the document are the Revs. M. M. D. Perdue and C. Ewbank Tucker, Dr. John S. Chambers, Dr. Katharine Tedd and Alfred M. Wolfson.

CHRISTIAN RECORDER (AME CHURCH)
NASHVILLE, TENN.

EDITORIAL

GUEST EDITORIAL—These Editorials do not necessarily reflect our opinion or policy.

Civil Rights Gains and Losses

Committee on Political Education

GAINS

June 18—House passes H. R. 6127 the Civil Rights bill.

June 20—Senate defeats Russell Motion to send the bill to the Judiciary Committee, setting an historic precedent in by-passing a committee where legislation is doomed to be bottled up.

Aug. 7—Senate passes Civil Rights bill, marking such legislation to be passed by Congress since 1875.

Sept. 9—President Eisenhower signs the bill into law.

Sept. 24—President Eisenhower orders federal troops to Little Rock to back up the federal district court order on integration.

Oct. 2-4—The Florida Legislature refuses to pass bill of "Last Resort" which would allow cities to close down schools on integration order.

Dec. 30—Mohawk Airlines in New York hires Miss Ruth Taylor as first Negro airline hostess.

Dec. 30—Mayor Robert Wagner signs Brown-Isaac-Sharkey bill into law prohibiting discrimination in the sale or rental of private housing in New York City.

LOSSES

July 14—Alabama Legislature cuts 400 Negro voters out of Tuskegee township.

July 24—Section III giving the President additional power in enforcing civil rights on a broad front is knocked out of the bill.

Aug. 2—The jury trial amendment to voting rights denial is passed.

Sept. 2—Gov. Orval Faubus orders units of the Arkansas National Guard to man Central High School in Little Rock to prevent integration.

Sept. 24—Mob violence takes over at Central High and a score of people are beaten.

Dec. 17—Alabama votes to do away with Macon County where Negroes out number whites seven to one in order to break up potential voting power.

Dec. 9—Atty. Gen. William Rogers calls his first press conference since taking office and announces the Administration will ask for no new civil rights legislation in the next session of Congress.

A review of the year 1957 brings out these significant gains and losses in the continuing struggle to gain equality for all Americans regardless of race, creed or color (January 15, 1958).

Clip the above and put it in your scrap book for future reference.

Negro Leaders Ask FBI Probe Into 'Killings'

WASHINGTON, Jan. 23 (AP)—Two Negro leaders today asked the Justice Department to investigate what they described as two recent killings of Negroes in the South under circumstances involving local law enforcement officers.

Rep. Powell (D-NY) and Clarence Mitchell, Washington director for the National Assn. for the Advancement of Colored People (NAACP), discussed the matter with Deputy Atty. Gen. Lawrence Walsh.

They also urged that the department seek additional civil rights legislation.

Powell said Walsh has promised to look into the reported killings.

FBI PROBES

Mitchell said it was his understanding that the FBI was already looking into one of the cases, involving the Rev. C. H. Pickett of Muscogee County, Ga. The NAACP official said that Pickett was put in the county jail on a minor charge and after his release died on Dec. 23 "of a massive blow" reportedly suffered while in custody.

In the other case, Mitchell said, a Negro named George Love was shot to death Jan. 7 by a sheriff's posse near Ruleville, Miss. He said Love was being pursued as a suspect but said he did not know what alleged offense was involved.

CIVIL RIGHTS STATUTES

Mitchell and Powell contended that both of the reported cases appeared to fall within existing federal civil rights statutes which provide for federal prosecution when a person is deprived of a civil right through the actions of a local police officer or other official.

Powell noted that Atty. Gen. Rogers told a news conference last month he had no plans for proposing further civil rights legislation in this session of Congress and suggested a sort of "cooling off" period in this field.

In the conference with Walsh, Powell said, "We pointed out that Rogers' suggested 'cooling off' period had been misinterpreted by segregationists and had become ammunition for them."

"We thought the Justice Department should indicate it did not mean to play into the hands of those advocating disobedience of federal law."

Powell said he asked the department to endorse a broadening of the 1957 Civil Rights Law's injunction proceedings to cover all civil rights.

The new law limits such proceedings to the protection of voting rights.

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DEMOCRATS MAKE PLANS

Civil Rights Law Sought by Council

WASHINGTON, Dec. 7 (UPI)—The Democratic Advisory Council today called on the next Congress to enact far-reaching civil rights laws including measures to help reopen schools closed in the South by conflicts over racial desegregation.

In a sweeping "State of the Union" message, the council also proposed a labor program which seeks repeal of the Taft-Hartley provision permitting state right-to-work laws, a union reform bill and a $1.25 hourly minimum wage.

In connection with the civil rights proposals, the council urged the Senate to adopt a new anti-filibuster rule to allow debate to be choked off by a majority of the total Senate membership.

Includes Top Leaders

The council is a between-conventions policy-making voice of the Democratic party. Its members include former President Truman; Adlai E. Stevenson, two-time presidential nominee; Gov. Averell Harriman of New York, Gov. G. Mennen Williams of Michigan and other party leaders, most of them from outside Congress.

Party Chairman Paul M. Butler, who is also chairman of the council, called the 6,000-word statement the most comprehensive ever to come from the council. He said the council would not object to describing the document as the Democrats' own state of the union message — like that which President Eisenhower will submit to the Democratic Congress next month.

The council charged the Eisenhower administration with standing on "dead center" on foreign policy, with tailoring national defense to budget ceilings and with policies allowing economic growth to be so slow as to be "intolerable."

The statement warmly praised Democratic congressional leaders —Speaker Sam Rayburn and Senate Leader Lyndon B. Johnson, who have never appeared to welcome the council's advice. It then laid out a program going far beyond anything those two middle-of-the-road lawmakers would be likely to embrace.

Rights Bill Sought

In its civil rights program, the council called for a law to authorize the Justice Department to seek injunctions against anyone trying to deprive others of civil rights. This proposal was essentially the one killed by the Senate in response to Southern pressure. North Carolina dissented on the civil rights provision, proposals for changing the Senate anti-filibuster rule and other congressional procedure and the right-to-work proposal.

Camille F. Gravel, under fire from other Southerners earlier this week for being too soft on the segregation issue, also dissented on the civil rights and congressional procedure planks. It was announced he had been so instructed by the Southern caucus of the Democratic National Committee.

Otherwise Unanimous

Butler announced that, otherwise, the program was unanimously approved by the 18-council members present and by Mayor David Lawrence of Pittsburgh, who was absent. Five other members also were absent.

With its call for a new anti-filibuster rule for the Senate, the council also urged the House to revise its rules to make them more liberal. It made no specific recommendation but its request was obviously aimed at the power of the Rules Committee to prevent House action on legislation approved by other committees.

The council proposed a broad liberalization of the social security program — with higher payroll taxes—to increase benefits, provide hospital and nursing insurance and to provide other new or more liberal measures. It asked that old age insurance payments be increased to reach an average of $100 a month over the next three or four years.

Other proposals included federal aid for school construction and in the civil rights bill passed in 1957.

"There is an obligation to meet the challenge of closed schools and potentially uneducated children as a result of the defiance of the law of the land by a few state and local officials," the council continued.

Mrs. Benjamin B. Everett of an enlarged program of aid for building hospitals; a new federal scholarship program; an overhaul of immigration laws, and an expanded housing program. Congress also was urged to pass new bills, like those vetoed by Eisenhower this year, to provide aid for depressed areas and for airport construction.

It accused the administration with suppressing truth and making misrepresentations about defense and urged legislation to strengthen the defense capability and to "reorganize our military establishment into a single department."

CIVIL RIGHTS LAWS

DEMOCRATIC ADVISORY COUNCIL

Truman (left), Stevenson Shake Hands as Butler Watches

Rayburn Cool to Plan Of Council

Serves Notice House Will Set Its Own Course

By Frank Eleazer
United Press International

Speaker Sam Rayburn politely thanked the Democratic Advisory Council for its advice yesterday but served notice the new 86th Congress will set its own legislative course.

Rayburn hinted strongly that its final choice will be a moderate course, considerably less costly than the liberal program urged on Congress Sunday by the advisory group.

The Council, made up mostly of top non-congressional Democratic leaders such as former President Harry S. Truman and Adlai E. Stevenson, outlined its proposals in its own "State of the Union Message."

Republicans assailed the Council's legislative proposals as radical, socialistic and likely to boost Fovernment spending by $20 billion a year.

Chairman Styles Bridges (N. H.) of the Senate GOP Policy Committee said they would lead to "new and back-breaking taxes and a breakdown of our economy."

Liberal Democrats in the House praised the Council's proposals. But they conceded much of the program will face rough going in Congress, despite the Democratic landslide on Nov. 4.

The Advisory Council called for vigorous civil rights action, stepped-up spending on health and welfare programs and overturn of state right-to-work laws.

Appears Cool to Council

It also proposed sharp increases in social security benefits, a higher minimum wage, Federal aid for depressed areas and an expanded program of land reclamation.

Rayburn's comments, made in a telephone interview from Bonham, Tex., left no doubt that he still is cool to the Council despite his close relations with some of the top Party leaders involved.

Senate Democratic Leader Lyndon B. Johnson, also of Texas, likewise has been cool to the Council's operations.

Rayburn put it this way:

"The members of the House are glad to have recommendations from any source particularly interested in legislation. But after we meet in January, the program must be developed by the House. In the long run, the membership of the House, working with its leadership, will have to figure out the real program.

"We'll spend money for whatever we think is necessary for defense and for the welfare of the country. We'll keep it pretty tight, but we are not going to cut off the beneficial things we have done in the

past or find n ecessary in the future."

Democratic Council Is Flayed By Adam

Civil Rights Action Seen As U.S. Gestapo

GULFPORT, Miss., Dec. 8.—(AP)—Bidwell Adam of Gulfport, chairman of the state Democratic Committee, issued a statement Monday flaying the National Democratic Advisory Council.

The statement followed by only a few hours a published story concerning a meeting of the council.

Mr. Adam's statement said:

"News releases appearing in Monday morning papers state that the Democratic Advisory Council in their Sunday meeting called for 'bold action on civil rights' and called for enactment of a law which would permit and authorize the U. S. Attorney General to start civil suits against anyone suspected of depriving any citizen of his constitutional rights.

"In short, this means the establishment of a Federal gestapo, never intended under the Federal Constitution, but patterned after the dictatorial rule in communist countries. The morning press carried a front page picture of Paul Butler at Sunday breakfast with Stevenson and Truman. This picture is captioned Democratic harmony. Without doubt, there is harmony in the hearts of these three who hate the South more bitterly than any Yankee soldiers who met our Confederates on any bloody battlefield.

"Truly, there does exist harmony when evil minds plot their black deeds, but true Southern Democrats will more correctly label a meeting of this alliance to be a 'desecration of the Sabbath.'

"It is plain to the patriotic, liberty-loving white men and women of the South that there must be presented a united and solid front against these threatened encroachments of constitutional government, if we are to survive in this, the new tragic era. During the rankest years of President Grant's Administration, nothing offered by the carpetbagger sympathizers could parallel this present threat to the Southern people. God forbid that such a condition should come to pass."

Civil Rights Commission Begins Work With Sanders As Consultant

WASHINGTON — (ANP) — The Civil Rights commission is getting down to cases with expert advice from Vanderbilt university Prof. Paul H. Sanders, who will act as chief consultant, the nationwide inquiry into alleged discrimination in voting, education and housing should be cleared up by 1960 — when the two-year life span of the commission ends.

Prof. Sanders, called by many "a Southern Democrat and an able lawyer," promised to work with the whole staff of the commission in its study of civil rights problems. He has been intensely studying the school integration problem during the three years in which he has edited the Race Reations Law Reporter, published by Vanderbilt school of law. He is often called a specialist' in this field.

Commission members will study areas where school integration resulted from "voluntary action at the local level," in hopes methods used might speed integration elsewhere.

The will call on state advisory committees, "to create a climate of understanding and respect for the law." State committees have been announced only for Texas and Indiana, but the commission hopes such committees will be functioning in all 48 states by Sept. 9.

All nominees for state advisory committees are being screened by the FBI to make sure no member is affiliated with subversive groups.

The North Under Scrutiny

The commission will study housing discrimination in the North, in such cities as New York, which has an ordinance requiring owners of private housing to rent it to any tenant regardless of race, color or creed. Policies of the FHA and other government agencies also will be surveyed.

A general study of state election laws and policies will be made and the commission will investigate notarized complaints of individuals who claim, under oath, that "they are being deprived of the right to vote on the grounds of race, creed, color, or national origin."

Must By-Pass Police Brutality Charges

However, the commission will wait for a notarized complaint before it investigated any charges of police brutality allegedly intended to keep Negroes from voting in Dawson, Ga. Staff Director Gordon M. Tiffany said the commission would need affidavits before investigating such charges because "this is a voting case," which cannot be studied under the commission's general authority to "study legal developments constituting a denial of equal protection of the laws."

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CIVIL RIGHTS

PRESIDENT EISENHOWER

Ike fails to mention civil rights in speech

NNPA

WASHINGTON,

The State of the Union message delivered by President Eisenhower in person to the Congress, Thursday, was chiefly devoted to a discussion of security and peace.

The domestic program which the President mentioned was largely incidental to his discussion of the main topics of his address.

Civil rights was not mentioned at all. Whether it will be discussed along with other domestic programs in the budget message, which the President will send to Congress, Monday, could not be learned.

* * *

MR. EISENHOWER charged the Soviet with waging total cold war. As a counter offensive, he proposed that this country "wage total peace."

The most powerful deterrent to war in the world today, the President said, "Lies in the retaliatory power of our Strategic Air Command and the aircraft of our Navy."

The concensus is that the U.S. is probably "somewhat behind the Soviet in some areas of long range ballistic missiles."

He believes, however, that this country "Will have the missiles, in the needed quantity and in time, to sustain and strengthen the deterrent power of our increasingly efficient bombers."

THE PRESIDENT proposed use of American economic assets to offset "the massive economic offensive that has been mounted by the Communist Imperialists against the nations."

He also recommended reorganization of the military establishment, a speeding up of the defense effort "in particular areas affected by the fast pace of scientific and technological advance."

Mr. Eisenhower also proposed the strengthening of mutual security efforts, a five-year extension of the reciprocal trade agreement, scientific cooperation with American allies, and a balanced program of education and research.

To finance the security effort he asked for the cooperation of Congress in reducing expenditures on less essential military programs and installations postponing some new civilian programs, transferring some to the states, and curtailing or eliminating others.

Civil Rights Group Steers Clear Of Little Rock Issue

EAST LANSING, Mich., (AP) — The President's Civil Rights Commission is making no recommendations on the Little Rock, Ark., school integration situation, a spokesman said Tuesday.

"The matter is in the courts," said George M. Tiffany, staff director. "We won't interfere in any way with the judicial process."

The six-member commission, headed by Dr. John A. Hannah, Michigan State University president, met today on the MSU campus. The meeting was closed to all but commission members and the staff.

Tiffany said at a news conference following the meeting the staff reported the latest developments in the Little Rock situation to the commission but the matter did not come up for general discussion.

Tiffany said the commission approved the progress that had been made in the three fields of study selected—voting, education and housing.

He said no public announcement could be made as yet of any findings or recommendations of the commission staff.

"We're not going to be successful by making great haste," Tiffany said. "We have to work slowly and methodically."

"We're working in a sensitive area," he said. "If we are to be effective, we can't operate in a goldfish bowl."

Hannah said after the meeting he was "much more optimistic about what we'll be able to accomplish" than at any time since he had been appointed to the commission.

"I expect a really big contribution to come from the operation of the state advisory committees," he said.

Announcement was made of membership of a Michigan advisory committee to the commission. Similar committees previously had been announced for Texas, Indiana, Florida and Virginia.

Tiffany said the membership of additional committees in "16 to 18 other states" were discussed but that the names would be announced separately.

The next commission meeting was scheduled for Aug. 20 at Washington, D.C. The full commission attended Tuesday's meeting.

Humphrey offers new civil rights bill

WASHINGTON

Senator Hubert Humphrey (D., Minn.) introduced a proposed "Civil Rights Act of 1958," Tuesday, which, he explained, represents a revised which was deleted from the version of the old Part III rights bill enacted in 1957.

Part III of the Civil Rights Act of 1957 would have authorized the Attorney General to bring civil suits to enjoin threatened violations of constitutional rights, other than the right to vote.

Under its terms, the Attorney General could have sought injunctions to compel desegregation of public schools.

The revised version, Senator Humphrey said, contains "all the improvements suggested during the course of last summer's debate."

"LIKE THE Civil Rights Act of 1957," Humphrey said, "this new measure creates no new substantive rights but merely perfects the procedure by which those rights may be vindicated."

He added that "Similarly, it is an effort to use civil rather than criminal remedies in effectuation of these rights. In short, the bill seeks to enlist the powers and influence of the Atty. General in a determined attack upon denials of civil rights because of color, race, religion, or national origin."

Senator Humphrey emphasized that the new bill he introduced does not indicate that he has lessened his enthusiasm fora bill introduced last Feb. 12 by a bipartisan group of Senators.

On the contrary, he said, he is firmly convinced that the Feb. 12 bill is "a constructive new approach to the problem of school integration and that its provisions for technical and financial assistance to local school districts would foster compliance with the historic decisions of the Supreme Court "against school segregation."

* * *

SENATOR HUMPHREY apparently offered the new bill in the belief that the Senate Judiciary Committee will shortly hold hearings on a "handful of bills to protect the constitutional right of equal protection," and that it was "desirable to place before the committee an alternative method effectuating this great constitutional guarantee."

Senator Humphrey said the chief difference between the new bill and the earlier measure he co-sponsored was that the new bill confers powers only of effectuating this great con- on the Attorney General, without any provision for participation by the Secretary of Health, Education and Welfare in local integration efforts or grants by him to local school districts.

"While this bill would allow the Attorney General to seek injunctions against any civil or religious grounds, he may do rights violations based on racial so only after a signed complaint had been filed and an investigation by him indicates the existing of illegal practices," Mr. Humphrey said, adding:

New Civil Rights Bill Offered By 16 Senators

Bipartisan Group Aims At Schools

WASHINGTON, Feb. 10 (AP)—A bipartisan group of 16 senators introduced a new civil rights bill in the Senate today. It may touch off a new North-South fight over racial issues.

Congress struggled for months during the last session before passing the first civil rights legislation in 82 years.

The Eisenhower administration has said it won't sponsor new legislation this year but Atty. Gen. Rogers has indicated the President would sign a bill restoring provisions knocked out of last year's measure.

SCHOOL INTEGRATION

The new bill, backed by 10 Northern Democrats and 6 Northern Republicans, is designed to encourage racial integration of schools. It would compel compliance with Supreme Court rulings in that field if necessary.

Another provision would arm the attorney general with authority to seek federal court injunctions for the protection of civil rights generally. This was one of the provisions cut out of last year's legislation.

The House deferred action on a $14 million appropriation bill today in an attempt to force the White House to get a new civil rights commission organized.

Provided for in last year's legislation, the commission is to make a two-year study of civil rights problems. Eisenhower has appointed its six members but they haven't been confirmed by the Senate. Nor has a staff director been named.

The President asked for $750,000 for the commission, but this was stricken from the bill by the House Appropriations Committee because, the committee said, no witnesses were available to explain the need for the money.

Most of the money in the deferred bill is for financing of the executive office of the President for the fiscal year starting July 1. The vote to defer action was 85-67.

One of the principal supporters of the new bill in the Senate, Sen. Douglas (D-Ill), held a news conference today to outline the aims of his group.

"We are not going to jockey for party advantage," he said. "We are going to push for enactment of the bill."

JAVITS PRESENT

Sen. Javits (R-NY), sitting beside Douglas, said he was there as evidence of the bipartisanship. He added that he feels the civil rights bill is needed to improve domestic conditions and strengthen the nation's position in international relations.

Proponents of civil rights legislation, Javits said, are constantly told they should not press for further action at this time, since they gained ground on the issue last year.

"We haven't too much time," he said, when nations around the world "have us under constant observation."

Another sponsor, Sen. Neuberger (D-Ore), said that in his state thousands of people are concerned with our relations with the people of the Orient and feel that civil rights legislation should set an example of nondiscrimination.

NO SOUTHERN COMMENT

As yet there was no comment from Southern senators, who traditionally line up against civil rights legislation.

The new bill would authorize appropriation of 12½ million dollars over the next five years for federal assistance to states and local government units in developing community understanding and plans for public school integration.

Further federal grants of $40 million a year for each of the next five years would be authorized for school buildings, additional teachers and other costs incident to eliminating racial segregation.

ENFORCE COMPLIANCE

Under this section, Douglas said funds could be made available to local communities that wish to comply with the Supreme Court's decisions but where, as in Georgia and Virginia, the state threatens to cut off funds or close the schools.

Should efforts to achieve voluntary compliance fail, the secretary of health, education and welfare would be empowered to draw up school integration plans.

In the event that these plans are ignored by state and local officials, the attorney general would be authorized to seek federal court orders to enforce compliance.

The civil rights law of 1957 limits such injunctive relief to the protection of voting rights.

Civil Rights Advisers Named in Two States

The Civil Rights Commission yesterday announced the formation of 9-man advisory groups in Texas and Indiana.

Similar committees to aid the work of the commission are expected to be formed in all the States, the territories of Alaska and Hawaii, the Commonwealth of Puerto Rico and the District of Columbia by this autumn, Staff Director Gordon M. Tiffany said.

Priority in the committee's formation is given the home States of the six members of the commission and of Mr. Tiffany. Besides the two already organized, they are Illinois, Michigan, Florida, Virginia and New Hampshire.

Committees are expected to be completed in these States in the next month.

Suggestions for membership on the State groups were submitted to the commission by individuals and organizations representing a cross-section of backgrounds and occupations, Mr. Tiffany said. From these the commission made its selections.

Will Sit at Hearing

The State committee will be consulted on complaints of civil rights violations received by the commission and will be invited to sit in as observers at any hearings in their respective States.

Mr. Tiffany said the commission thus far has received 205 communications alleging deprivation of civil rights. But he said none of these were notarized as required under the congressional act which set up the commission last year. The complainants are being notified of the proper procedure.

The commission is authorized to conduct investigations into civil rights violations, with stress on voting rights. It may conduct hearings and subpoena witnesses. It is to make reports and recommendations on policy and possible legislation to the Congress and the President.

Expires in November

A final report is to be made on September 9, 1959. The life of the commission expires 60 days afterward.

An important function of the advisory committees is to inform citizens of the exact nature of the commission's task, Mr. Tiffany said. The commission staff, now numbering 18, is expected to be increased to 28 by the end of this month. The full strength will depend on the work load, the director said.

Announcement of the formation of the State committees followed a meeting of the commission at its headquarters at 726 Jackson place, N.W. The group is scheduled to meet again June 10.

Approval of Civil Rights Chief Looms

WASHINGTON (AP) — Gordon M. Tiffany's nomination to be staff director of the new Civil Rights Commission appears headed for Senate approval soon.

Sens. Ervin (D-NC) and Olin D. Johnston (D-SC) said they had decided against trying to hold up Tiffany's confirmation for the $22,500-a-year job.

They explained in separate interviews that they felt further delays in getting the commission into operation would only intensify demands next year for extending its life.

Tiffany's nomination, submitted by President Eisenhower on Feb. 20, was approved by a Senate Judiciary subcommittee 5-2 after a hearing on April 2.

Meeting Today

A meeting of the full Judiciary Committee has been scheduled for Monday and Chairman Eastland (D-Miss) said that the nomination of the former New Hampshire attorney general is on the agenda.

Ervin and Johnston, who voted against confirmation in the subcommittee, said they expect the full committee to approve the nomination despite their opposition. This would open the way for Senate confirmation a day or two later.

The six-member Civil Rights Commission was created by Congress last year in passing the civil rights bill. Its job is to investigate violations of voting rights and to study laws and practices relating to civil rights in general.

It has until Sept. 9, 1959, or two years from the day Eisenhower signed the act, to complete its work. However, Southern Democrats who fought passage of the legislation anticipate demands next year to extend the commission's life.

Various difficulties have prevented the commission from getting started, although the six commission members, three Southerners and three Northerners, have been confirmed by the Senate.

Tiffany, unlike the commission members, is to be a full-time employe but has been unable to take office until the Senate confirms his nomination.

Another nomination awaiting Judiciary Committee action is that of W. Wilson White to be an assistant attorney general in charge of a new Civil Rights Division in the Justice Department. He has run into sharp opposition from Southern Democrats because of his defense of Eisenhower's use of troops last September to enforce a court order for school integration in Little Rock, Ark.

DOUGLAS ATTACKS CONFORMITY DRIVE

Justice Says U. S. Tends to Be Insensitive to Inroads Against Basic Liberty

Supreme Court Justice William O. Douglas said last night that the country had tended to become insensitive to inroads against basic liberties. He said there was a demand for conformity to general patterns of thought.

Justice Douglas said that the inclination now was "to look for a teacher who is so-called 'safe,' a minister who is 'safe,' a Congressman who is 'safe.'" The Justice defined as a "safe" person one who did not have unorthodox ideas and was "not a contentious character."

Justice Douglas appeared on "The Mike Wallace Interview" over the American Broadcasting Company television system at 10 P. M. The interview was the third in a thirteen-week series on survival and freedom, produced in association with the Fund for the Republic.

He said that after World War II it became the practice to have "public trials" ferreting out subversives. As a result, he said, "people became more and more frightened and, to get a job or to keep a job, wanted to be safe."

Free Speech Stressed

Consequently, he declared, there has been "a general contraction of the feeling of ability to speak freely and a general lowering of the standards of free expression that we have enjoyed in early days."

"In Jeffersonian sense of freedom of speech, Justice Dougles said, "there should be no horizo non debate, on talk. People should be tested not by their loyalty, not by beliefs, not by utterances, but by their actions."

He said that the citizens in their beliefs, in their ideas and in their consciences were superior to Government.

The great abuses in history, he said, occurred when the Government intruded into the privacy of a man's thinking, "when a Government lays its hand on his shoulder and says you shall not worship this way, you shall not think this thought, you shall not read this book."

He said that he thought the influences toward suppression of minority views, toward orthodoxy in thinking about public issues had been subconscious. He said there was a tendency among Americans to conform to the picture of the man in collar advertisements, to be safe and sound and not to diviate or depart from an orthodox point of view.

The general inclination, he said, was not to get very far from the official policy on Red China, India, Israel, the Arab world "or what-have-you."

"I think that too many students come out of grade school and high school without knowing what the Bill of Rights is," the Justice said. "They don't get it emphasized in their classrooms, in their textbooks. I think that what we need is a great educational program. What we need is a wakening of the people to the values that are in our civilization."

High among these values, he said, were our ideas of freedom and ideas on the dignity of man, and the idea that "government cannot do certain things to the individual, that his beliefs, that his conscience, that his ideas are his own and it is nobody's business what he thinks."

CIVIL RIGHTS UNIT BEGINS ITS WORK WITHOUT DISSENT

6 Commissioners Sworn —Several Possibilities for Director Are Suggested

$200,000 FOR EXPENSES

Eisenhower Explains Duties of Federal Study Group in 'Very Broad Terms'

By ANTHONY LEWIS
Special to The New York Times.

WASHINGTON, Jan. 3—The six-man Civil Rights Commission was sworn in today and immediately got to work on its large and controversial assignment.

In its first official day, the commission:

¶Agreed on several possibilities for its key job, a staff director, and sent the names to the White House for the choice.

¶Met with President Eisenhower and then got the views of two of the President's chief assistants at lunch.

¶Drew $200,000 from a Presidential emergency fund to cover its first operating expenses in the absence of a Congressional appropriation.

Unanimity Is Stressed

The chairman of the commission, Dr. John A. Hannah, emphasized in talking with the press the atmosphere of cordiality and agreement that he said existed among the members as they got together for the first time.

"We got along very well," he said. He indicated that every decision made today had the endorsement of all six members.

This was of particular interest because the commission has three Southerners and three Northerners.

The Southern members are former Gov. John S. Battle of Virginia, former Gov. Doyle E. Carlton of Florida and Robert G. Storey, Dean of the Southern Methodist University Law School. All are Democrats.

Those from the North are Dr. Hannah, who is president of Michigan State University, the Rev. Dr. Theodore M. Hesburgh, president of Notre Dame University, and J. Ernest Wilkins, an Assistant Secretary of Labor who is a Negro and a native of Chicago. Dr. Hesburgh is an independent, the other two Republicans.

'Diplomas' Distributed

The members met informally with President Eisenhower for about half an hour this morning. Dr. Hannah said afterward that they had discussed the commission's job and that the President had cast the group's responsibility "in very broad terms."

Sherman Adams, the Assistant to the President, then administered the oath of office to the six men. President Eisenhower gave them what he called "their diplomas for their honorary doctorates."

At lunch the group met with Mr. Adams and Gerald E. Morgan, counsel to the President. The commission then adjourned to its own quarters, a suite of half a dozen offices in a small building less than a block from the White Houses.

The first business meeting lasted about two hours. There will be another a week from today, and about every two weeks thereafter.

Dr. Hannah said the group had begun discussing its objectives, which must be defined before any actual work can be done.

The statute authorizes the commission broadly to study denials of the right to vote for reasons of race or religion, other civil rights problems in the states and the possible need for further Federal legislation.

Must Decide Procedure

As another preliminary step, the commission must decide how to proceed—by hearings around the country, for example, or by legal studies or by setting up local advisory committees. All are authorized.

Dr. Hannah said the first discussions today were on voting rights. He said his expectation was "that we not only are going to get along well but come to conclusions agreeable all the way round."

Dr. Hannah confirmed the general impression that the key operating figure in the commission's work would be the staff director. He will be paid $22,500 a year and will be subject to Senate confirmation.

The commissioners themselves must be confirmed by the Senaee—a fact that could give rise to Southern attempts to block the group's work. And Congress will have to be asked for appropriations.

The first telephone call received by the commission in its new offices, Dr. Hannah said, was from "someone looking for a job." He added: "Then we took the phone off the hook."

16 Solons Ask New Rights Law

Bipartisan Group Introduces Proposal

By WILMOT HERCHER

WASHINGTON, Feb. 10 (AP)—A bipartisan group of 16 senators introduced a new civil rights bill in the Senate today. It may touch off a new North-South fight over racial issues.

Congress struggled for months during the last session before passing the first civil rights legislation in 82 years.

The Eisenhower administration has said it won't sponsor new legislation this year but Atty. Gen. Rogers has indicated the President would sign a bill restoring provisions knocked out of last year's measure.

The new bill, backed by 10 Northern Democrats and 6 Northern Republicans, is designed to encourage racial integration of schools. It would compel compliance with Supreme Court rulings in that field if necessary.

Court Injunction

Another provision would arm the attorney general with authority to seek federal court injunctions for the protection of civil rights generally. This was one of the provisions cut out of last year's legislation.

Sen. Douglas (D-Ill), one of the bill's leading supporters, held a news conference to outline the aims of his group.

"We are not going to jockey for party advantage," he said. "We are going to push for enactment of the bill."

Sen. Javits (R-NY), sitting beside Douglas, said he was there as evidence of the bipartisanship. He added that he feels the civil rights bill is needed to improve domestic conditions and strengthen the nation's position in international relations.

Proponents of civil rights legislation, Javits said, are constantly told they should not press for further action at this time, since they gained ground on the issue last year.

"We haven't too much time," he said, when nations around the world "have us under constant observation."

Another sponsor, Sen. Neuberger (D-Ore), said that in his state thousands of people are concerned with our relations with the people of the Orient and feel that civil rights legislation should set an example of nondiscrimination.

As yet there was no comment from Southern senators, who traditionally line up against civil rights legislation.

The new bill would authorize appropriation of 12½ million dollars over the next five years for federal assistance to states and local government units in developing community understanding and plans for public school integration.

Federal Grants

Further federal grants of 40 million dollars a year for each of the next five years would be authorized for school buildings, additional teachers and other costs incident to eliminating racial segregation.

Under this section, Douglas said funds could be made available to local communities that wish to comply with the Supreme Court's decisions but where, as in Georgia and Virginia, the state threatens to cut off funds or close the schools.

Should efforts to achieve voluntary compliance fail, the secretary of health, education and welfare would be empowered to draw up school integration plans.

In the event that these plans are ignored by state and local officials, the attorney general would be authorized to seek federal court orders to enforce compliance.

The civil rights law of 1957 limits such injunctive relief to the protection of voting rights.

New Civil Rights Bill Introduced

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Sen. Douglas (D-Ill), one of the bill's leading supporters, held a news conference to outline the aims of his group.

The House deferred action on a 14-million-dollar appropriation bill today in an attempt to force the White House to get a new civil rights commission organized.

Provided for in last year's legislation, the commission is to make a two-year study of civil rights problems. Eisenhower has appointed its six members but they haven't been confirmed by the Senate. Nor has a staff director been named.

The President asked for $750,000 for the commission, but this was stricken from the bill by the House Appropriations Committee because, the committee said, no witnesses were available to explain the need for the money.

Most of the money in the deferred bill is for financing of the executive office of the President for the fiscal year starting July 1. The vote to defer action was 85-67.

One of the principal supporters of the new bill in the Senate, Sen. Douglas (D-Ill), held a news conference today to outline the aims of his group.

"We are not going to jockey for party advantage," he said. "We are going to push for enactment of the bill."

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Georgians Nix 'Honor' On Rights

Atlanta Journal Bureau
1426 G Street, NW

WASHINGTON, March 1—Georgians in Congress are turning a cold shoulder on a dinner honoring U.S. lawmakers for passing a civil rights bill last year.

The dinner, to be held at the Mayflower Hotel here Monday night, is sponsored by the Anti-Defamation League of B'nai B'rith. A spokesman for the organization said Saturday that B'nai B'rith gives an award annually for "contributions to American heritage," and that the award this year goes to Congress as a whole.

* * *

THE SPOKESMAN also said that no Georgia senator or congressman has accepted the organization's invitation to be present. He added, however, that most of the refusals sent by the Georgians have been "very nice and polite and generous."

A spokesman for Sen. Herman E. Talmadge said with a smile, for example, that Mr. Talmadge just couldn't work the occasion into his schedule.

Congressman E. L. Forrester of Leesburg said he merely returned a postcard that came with the invitation, and that he checked the card to indicate he would not be present.

* * *

"I DON'T DESERVE any of the Anti-Defamation League's honors," Mr. Forrester declared. "I fought against the civil rights bill and I will continue to do so as long as I live.

"I thank the Lord for the fact that I had no part in doing that unscrupulous thing (passing the civil rights bill)."

At least one Georgian — Sen. Richard B. Russell — has been getting a flood of mail from conservatives denouncing B'nai B'rith as a dangerously left-wing group.

The reaction of the Georgians was temperate compared to some of the other Southern comment.

Sen. Strom Thurmond of South Carolina let it be known in no uncertain terms that he was "insulted" to get the invitation.

* * *

A B'NAI B'RITH official said the organization is honoring Congress not only for passing a civil rights bill, but for maintaining a high level of debate." The Southerners can be proud of their part in keeping up the standards, he said.

In past years, B'nai B'rith awards have gone to organizations and individuals which have made "contributions to the American heritage." Both Presidents Harry Truman and Dwight D. Eisenhower are holders of awards.

On Monday night, the medallions will be accepted on behalf of Congress by Sen. Hubert Humphrey and Rep. Emanuel Celler for the Democrats and Sen. William F. Knowland and Rep. Kenneth Keating for the Republicans.

Humphrey Offers New Rights Bill

Constitution Washington Bureau

WASHINGTON—Sen. Humphrey (D-Minn) introduced another civil rights bill in the Senate Tuesday, but few observers give it any chance of passage.

Humphrey said his bill is a "revised version" of the old "Part Three" of the 1957 civil rights bill that was virtually eliminated by Southern forces when that bill passed the Senate.

It would permit the attorney general to seek federal court injunctions to enforce all kinds of civil rights, not just voting rights, as provided for by the amended 1957 act.

Humphrey said his bill is "an effort to use civil rather than criminal remedies in effectuation of these rights. In short, the bill seeks to enlist the powers and influence of the attorney general in a determined attack upon denials of civil rights because of color, race, religion or national origin."

The Minnesota senator said, however, that his new proposal does not indicate any lack of enthusiasm for a broader bill he cosponsored last February with 16 other liberal senators.

Strong New Civil Rights Bill Introduced by 16 Senators

Measure Would Spur Integration

WASHINGTON, Feb. 10 (AP) —A bipartisan group of 16 Senators introduced a new civil rights bill in the Senate today. It may touch off a new North-South fight over racial issues.

Congress struggled for months during the last session before passing the first civil rights legislation in 82 years.

The Eisenhower Administration has said it won't sponsor new legislation this year, but Attorney General William P. Rogers has indicated the President would sign a bill restoring provisions knocked out of last year's measure.

COMPELS COMPLIANCE

The new bill, backed by 10 Northern Democrats and six Northern Republicans, is designed to encourage racial integration of schools. It would compel compliance with Supreme Court rulings in that field if necessary.

Another provision would arm the Attorney General with authority to seek Federal court injunctions for the protection of civil rights generally. This was one of the provisions cut out of last year's legislation.

HOUSE DEFERS ACTION

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Mr. Eisenhower asked for $750,000 for the commission, but this was stricken from the bill by the House Appropriations Committee because, the committee said, no witnesses were available to explain the need for the money.

'PUSH FOR ENACTMENT'

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One of the principal supporters of the new bill in the Senate, Sen. Paul Douglas (D. ,Ill.), held a news conference today to outline the aims of his group.

"We are not going to jockey for party advantage. We are going to push for enactment of the bill."

Sen. Jacob K. Javits (R., N. Y.), sitting beside Douglas, said he was "here as living evidence of the bipartisanship." He added that he felt the civil rights bill was needed to improve domestic conditions and strengthen the Nation's position in international relations.

'THOUSANDS CONCERNED'

Another sponsor, Sen. Richard L. Neuberger (D., Ore.), said that in his state "thousands of people are concerned with our relations with the people of the Orient" and feel that civil rights legislation should set an example of nondiscrimination.

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Negro Solon To Revive Bout Over Civil Rights

WASHINGTON (AP) — Rep. William L. Dawson (D-Ill), a vice chairman of the Democratic National Committee, said today he is going to push for House hearings "as soon as possible" on a new civil rights bill.

Dawson said he will take up the matter with the appropriate committee chairman — probably Rep. Celler (D-NY), whose Judiciary Committee last year voted out what finally became the first civil rights statute to go on the books since Reconstruction Days.

GOP SILENT

This year neither the Eisenhower administration nor Celler's group has taken any action toward another civil rights bill.

Dawson, himself a Negro and head of the House Government Operations Committee, said in an interview much civil rights progress has been made in the past four years.

But he criticized what he called the present "do-as-little-as-possible attitude" of President Eisenhower and Atty. Gen. Rogers.

The congressman called for prompt passage of a measure to:

1. Authorize the secretary of health, education and welfare to aid education aimed at preventing denials of constitutional rights for race or religious reasons.

2. Provide federal money to states or school districts needed to carry out integration under the Supreme Court's order.

3. Authorize the H-E-W secretary to work out public school integration plans in cooperation with affected communities.

4. Empower the attorney general to seek court aid against violation of various civil rights.

Ellender Calls New Rights Proposal Federal Bribery

WASHINGTON, Feb. 15 (AP) — Sen. Ellender (D-La) said today sponsors of the latest civil rights bill are offering Southerners "a federal bribe" to agree to racial integration of their schools.

Referring to a bill introduced last Monday by 16 northern senators, Ellender said "the so-called liberals took the first step towards forcing the South to swallow another bitter civil rights pill."

"This time," he added, "they have attempted to cover the poison it contains under a heavy sugar coating."

The measure, sponsored by both Republicans and Democrats, would make federal funds available to states or local communities to help finance the cost of complying with the Supreme Court's school integration rulings.

But Ellender, in New Orleans, said "the core of this proposed legislation is the same that the Senate rejected last year when it stuck Part III" of the civil rights bill enacted then over Southern opposition.

Part III would have authorized the attorney general to seek federal court injunctions against violations of civil rights generally. The modified bill finally passed limited the use of injunctions to the protection of voting rights.

In the new civil rights bill, Ellender said that "the sugar coating held out by the so-called liberal bloc is nothing less than a federal bribe.

"They would make almost a quarter billion dollars available for school construction to states or their subdivisions which agree to integrate their schools," he said.

Ellender said that in his opinion, "No coating, sugar or otherwise, will ever make such a proposal acceptable to the people of the South."

Senate unit okays civil rights nominee

IN A NUTSHELL

- **Rights subcommittee approves Tiffany nomination by 5 to 1 vote.**
- **Hennings to motion for full judiciary unit hearing on nomination.**
- **Ervin grills Tiffany on Federal troop views. Casts dissenting vote.**

WASHINGTON, D.C. (NNPA)—The Constitutional Rights subcommittee on Wednesday quickly approved the nomination of Gordon McL. Tiffany of Concord, N.H., to be staff director of the Civil Rights Commission, but the nomination is expected to run into trouble in the full Senate Judiciary Committee, of which Sen. James O. Eastland, Dixiecrat of Mississippi, is chairman.

Sen. Thomas C. Hennings (D., Mo.), chairman of the subcommittee, said he will report the nomination at once and will make the motion to lay aside the pending business in the full Judiciary Committee to take it up.

The pending business is the Jenner bill which would strip the Supreme Court of appellate jurisdiction in certain cases and a substitute bill, offered by Sen. John M. Butler, (R., Md.).

* * *

THE JENNER bill has the backing of Senator Eastland, who may or may not recognize Senator Hennings to make **a motion to lay aside temporarily** the Jenner bill and take up the Tiffany nomination.

The vote to approve the nomination of Mr. Tiffany was 5 to 1. The lone vote against approval was cast by Sen. Sam J. Ervin (D., N.C.), who has become the spokesman in the Senate for forces against strengthening civil rights in this country.

Voting for approval were Senators Hennings, Joseph C. O'Mahoney of Wyoming, Democrats and Everett Dirksen of Illinois, Arthur V. Watkins of Utah and Roman L. Hruska of Nebraska, Republicans.

Sen. Olin D. Johnson (D., S.C.), another subcommittee member, was absent, but was to be polled. He will vote against the nomination.

Most of the questioning of the nominee was done by Ervin, who wanted to know the views of Mr. Tiffany on the use of Federal troops to enforce Federal court orders for public school desegregation.

Asked by Ervin what he conceived his duties to be as staff director, Mr. Tiffany replied that he conceived his primary duty to be to maintain the organization in an efficient workmanlike day-to-day operation.

He said the commission is independent of the Justice Department, although the Civil Rights Act of 1957 gives the Attorney General the power to bring civil actions to enjoin threatened violations of the **right to vote.**

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PRUDENCE CRANDALL

Civil Rights pioneer 'Woman of Courage'

Afro-American p. 12
Baltimore, Md
2/11/58

NEW YORK—An American pioneer in the advancement of civil rights has been named by Senator John Kennedy of Massachusetts to his list of three "women of courage."

Prudence Crandall, who in the early nineteenth century established the first school for colored children in New England, is the woman.

In naming her to his list, Senator Kennedy stated: "Few teachers in the history of American education have ever refused more determinedly to bow to the prevailing prejudices of their communtiy than Prudence Crandall."

* * *

THE SENATOR'S list of courageous American women, which is published in an article in the current issue of McCall's magazine, also includes the names of: Congresswoman Jeannette Rankin of Montana, who defied popular opinion when she opposed America's entry into World War I and then World War II; and Anne Hutchinson, who defied the power of the Puritan elders and was driven out of Massachusetts in 1637.

* * *

PRUDENCE CRANDALL became a celebrated figure in American education when, in the year 1833, she decided to open a school for girls in Canterbury, Conn. Many of the citizens of Canterbury were infuriated by this decision and began an immediate campaign of harassment.

Her opponents passed a law in the state legislature making it illegal to establish a school for colored girls not resident in the state. Miss Crandall was arrested and imprisoned, but, after several lower court decisions, was freed by the state Supreme Court.

During the furor over the arrest of this courageous woman, her cause was espoused by many of the nation's most famous abolitionists and abolitionist papers.

Miss Crandall's triumph was short-lived, however, for soon afterwards citizens from Canterbury set fire to her school, and the building was so damaged that she was forced to abandon her project.

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Congressman Dawson Presents Rights Bill

WASHINGTON, D. C. — (NNPA) Representative William L. Dawson, Democrat, of Illinois, Monday announced a civil rights bill which he said will put the Federal Government "squarely on the side of the protection of constitutional

"It is high time that this be done," Mr. Dawson told the House in offering his measure.

The powerful Illinois Democrat took a crack at President Eisenhower and Attorney General William P. Rogers. This country, he said, cannot afford the passive do-as-little-as-possible attitude which Mr. Eisenhower and Mr. Rogers have been expressing.

"Plans and preparations must be provided to deal with the mounting crisis of widespread resistance to law and order and to protect the constitutional rights of all Americans.

"Unless we do so, we may see increased violence and disregard of law which will weaken our national strength and unity."

In asking for prompt enactment of his bill, Mr. Dawson told the House that the Congress is duty-bound to protect the constitutional rights of the people whom it represents."

He called the Civil Rights Act of 1957 "an initial but minimum step in that direction."

The Dawson bill would create no new civil rights, but would simply provide additional means for protecting existing rights to equal protection of the law, which are now guaranteed by the Constitution.

Title I of the bill would authorize the Secretary of Health, Education and Welfare to provide technical assistance to aid, through education, in eliminating or preventing denials of constitutional rights on the basis of race, color, religion, ancestry or national origin, and also to aid school districts to comply with the Supreme Court decision against segregated public schools.

Title II of the bill would authorize Federal grants-in-aid to states or school districts to desegregate their schools in compliance with Federal court decision.

Title III would authorize the Secretary of Health, Education and Welfare to work out plans for desegregation of public schools in cooperation with the affected communities.

The bill also would authorize the Attorney General to seek aid of the courts to achieve elimination of segregation and t protect the constitutional right to equal protection of the laws of persons who because of proverty of community hostility, are unable to bring suits

It also would empower the Attorney General to bring suits for injunctions against any person preventing, hindering or threatening to prevent or hinder, or conspiring to prevent or hinder any Federal state or local officer from according to any person the right to the equal protection of the laws without racial or religious distinction.

REP. WILLIAM L. DAWSON(DEM.) ILLINOIS

Cong. W. L. Dawson Accepts Challenge On Civil Rights

WASHINGTON—Congressman William L. Dawson, Chicago Democratic boss, kicked segregationists in the teeth and set the stage for the political battle of his life last week when he introduced his "Civil Rights Bill of 1958."

Dawson, a skillful infighter in Congress, has been regarded somewhat as a soft-treading middle-of-the-roader. His new bill which hits hard at the segregationists and provides implementation machinery for integration explodes that theory.

There are those who say that famed civil rights fighter, T. R. M. Howard, the Mississippian, who moved to Chicago and immediately began looking toward Washington, has forced Dawson to use his special civil rights gambit to open this year's fight for his seat in Congress.

In introducing the measure Dawson pointed out that "The Federal courts have opened the way for America to fulfill its traditional goal of equal justice under the law for all persons. The false doctrine of legalized separation which was used to support the many cruel and indecent discriminations inflicted upon millions of Americans solely because of their ancestry or color is now dissipated. No longer may government power be legally used to compel racial segregation."

THE ILLINOIS Representative admitted that much progress has been made during the past four years to give increased meaning "to the blessings of liberty and constitutional rights of many Americans.

"There are still many areas and many groups, however, that refuse to comply with the requirements of the Constitution and the courts," continued Dawson. "They foment strife and violence in an effort to preserve an outmoded system of caste and second-class citizenship and to deny the basic rights of equal justice to many American citizens simply because of their race, color or religion."

Dawson challenged Congress as being duty-bound to protect the constitutional rights of people whom it represents. His bill puts the Government squarely on the side of the protection of these constitutional rights.

He pointed out that the nation cannot afford the passive "do as little as possible" attitude which the present Administration has been expressing. Plans and programs must be provided to deal with the mounting crisis of widespread resistance to the law. Unless Congress does something, Dawson predicts that there will be increased violence and disregard for the law, which tends to weaken the strength and unity of the nation.

■

DAWSON'S BILL proposes to authorize the Secretary of Health, Education and Welfare to provide technical assistance to aid, through educational means, in preventing or eliminating denials of constitutional rights based on racial or religious grounds.

It authorizes Federal grants of funds needed by states or school districts to desegregate their public schools in compliance with the decisions of the Federal courts.

It would further authorize the Secretary of HEW to work out plans for desegregation of public schools in cooperation with affected communities.

■

THE BILL would also authorize the Attorney General to seek the aid of the courts to achieve elimination of public school segregation, to protect the constitutional rights, to equal protection of the laws for persons who because of poverty or community hostility are unable to institute court suits, to prevent interference with officials who are seeking to provide equal protection of the laws, to prevent interference wth persons obeying a court order protecting such rights, and to protect those who are being denied their constitutional rights because they have protested actions which deny such rights to others.

Dawson claimed that his bill is not aimed at creating new civil rights, but simply providing additional practical means for protecting the existing rights. The Civil Rights Act passed by Congress last year was an initial, but minimum, step in the right direction.

Measure Aimed At Dixie States

WASHINGTON — A civil rights bill aimed at forcing states to abide by the U. S. Supreme Court desegregation rulings was introduced in the House of Representatives this week by Rep. William L. Dawson.

Termed the "Civil Rights Act of 1958," the measure is designed to protect the constitutional rights of all persons regardless of race or color.

In introducing the bill, Rep. Dawson told his fellow Congressmen:

The federal courts have opened the way for America to fulfill its traditional goal of equal justice under the law for all persons. The false doctrine of legalized operation, which was used to support the many cruel and indecent discriminations inflicted upon millions of Americans, solely because of their ancestry or color, is now dissipated.

NO LONGER

"No longer may government power be legally used to compel racial segregation."

In addition to helping eliminate the cost to an individual of getting his legal civil rights, the new law would give the Secretary of Health Education and Welfare the authority to aid in eliminating or preventing denials of constitutional rights because of race, religion or ancestry;

Would provide U. S. grants to areas where racial desegregation in public education is being carried out; end racial segregation in education and authorize the district courts to expedite, not delay, the elimination of segregation in schools.

Congressman Dawson lauded the churches, professions, business, labor, veterans and the majority of Americans who have fought staunchly for the rights of all U. S. citizens and noted that a great deal of progress had been made in race relations in the past four years.

He pointed out, however, that there are still many areas and many groups who refuse to comply with the requirement of the Constitution and the courts, and who foment strife and violence in an effort to preserve an outmoded system.

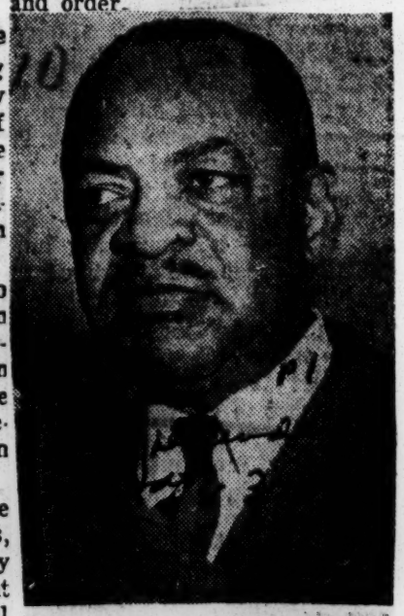
NEW MEASURE

His new measure is aimed at this latter group.

Rep. Dawson said his bill will put the government squarely on the side of the protection of Constitutional rights and added: "It is high time that this be done."

The Illinois Representative also pointed that our nation cannot afford the passive, do-as-little-as-possible attitude which the President and Attorney General have been expressing.

He emphasized that plans and programs must be initiated now to deal with the mounting crisis of widespread resistance to law and order.



Wm. L. DAWSON

Dawson's bill would guard rights

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"It is high time that this be done," Mr. Dawson told the House in offering his measure.

The powerful Illinois Democrat took a crack at President Eisenhower and Attorney General William P. Rogers.

"This country," he said, "cannot afford the passive do-as-little-as-possible attitude" which Mr. Eisenhower and Mr. Rogers have been expressing.

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SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

BILL OF RIGHTS
CLASSROOM TEXTBOOK

Justice Douglas Slaps U.S. For Failing To Teach Rights

By The United Press

NEW YORK, May 11. — Supreme Court Justice William O. Douglas flunked the nation's public schools Sunday for graduating students without teaching them what is in the United States Constitution.

Mr. Douglas called for the use of the Bill of Rights as a classroom textbook in a great educational campaign to awaken Americans to the fact that freedom and equality are more important than a high standard of living.

He blasted what he called a tendency by Americans to conform to the picture of "the man in the collar ad," instead of blazing trails of unorthodoxy such as those that led to the formation of the United States.

Urges Soap Box Oratory

He called for a free exchange of information between East and West and said it might be a good idea if there were some spots in America such as London's Hyde Park where "cranks" could mount soap boxes and have their say without interference.

"One thing that makes democracy flourish," Mr. Douglas said, "is not only the great production lines of automobiles and other commodities, but the right to worship, to believe what you think, to speak as you want to, to see on television the things that you want to see and not be censured."

Mr. Douglas added his voice to the mounting criticism of American schools during a filmed and recorded television interview with Mike Wallace.

It was the third in a 13-week series titled "Survival and Freedom," presented by the American Broadcasting Company in association with the Fund for the Republic, which operates on a grant from the Ford Foundation.

Mr. Wallace asked Justice Douglas to comment on a survey that showed that 41 per cent of American teenagers disagreed with the principle of freedom of the press, 34 per cent were against the principle of freedom of speech, and many frowned on various guarantees of the Bill of Rights in the United States Constitution.

Why The Failure?

"Why," Mr. Wallace asked, "do you believe that we are apparently failing to raise a new generation with a respect for basic freedoms?"

Mr. Douglas replied that not enough emphasis is being given to the basic freedoms in American schools.

"I think that too many students come out of grade school and high school without knowing what the Bill of Rights is," he said, "that they don't get it emphasized in their classrooms, in their textbooks.

"I think that what we need is a great educational program. What we need is a wakening of the people to the values that are in our civilization, the great values.

"And those great values are not our standard of living, fine as that is, but it is in our ideas of freedom, ideas on the dignity of man, the idea of the equality of man, the idea that government cannot do certain things to the individual . . . that his beliefs, his conscience, that his ideas are his own and it's nobody's business what he thinks.

". . . I think that we're all in default in not being alive to the encroachments that have been going on."

Mr. Douglas said Americans are becoming increasingly inclined to ignore inroads on their freedom. They tend, he said, to "look for a teacher who is so-called 'safe,' a minister who is 'safe,' a congressman who is 'safe.'"

A "safe" man, he said, is "a man who doesn't have unorthodox ideas, who conforms to the pattern of general thought and thinking."

"We have a great reservoir of freedom," Mr. Douglas said, "the greatest reservoir of any people in the world. The great reservoir of freedom that we have is, after all, the one outstanding thing that distinguishes us from the communist world.

"The communist world, as I have seen it, would be a terrible place to live because there is no place for the spirit of man, for his soul, no place for his conscience, no place for individual utterances of dissident views.

". . . I wouldn't call Russia a thriving, flourishing place. To be sure, they can put up a Sputnik, but when you get down to the field of humanities, when you get into the field of religion, when you get into the field of poetry and literature, it's a very stultifying place.

"There are no ideas."

Douglas and Keating Backing Rights Action

By ROBERT K. WALSH
Star Staff Writer

A Democratic Senator prodded the administration today to support a greatly broadened civil rights bill while a Republican Senator-elect promised introduction of a measure to extend the Civil Rights Commission.

Senator Douglas, Democrat of Illinois, said he has asked Attorney General Rogers and Welfare Secretary Flemming to give "serious consideration" to a bill for financial and administrative assistance in school desegregation cases and for injunctive relief against denials of equal protection of the laws.

Representative Keating, newly elected Republican Senator from New York, announced he will introduce a Senate bill next month to continue the Civil Rights Commission for two more years. The commission otherwise would expire next September.

"The experience of the commission in Alabama was only the latest example of the attempt by segregationists to obstruct its work," Mr. Keating said. "More time should be provided for the commission because of the additional delay which will be caused by judicial proceedings bound to result from the Alabama hearings."

The comments of Senator Douglas and Senator-elect Keating grew out of President Eisenhower's news conference Wednesday. Mr. Eisenhower said he would propose an extension of the commission. He added that the administration has not yet completed consideration of the civil rights program it will recommend to Congress.

The bill urged by Senator Douglas in letters to Mr. Rogers and Mr. Flemming is substantially the same bipartisan measure he and 15 other Senators and 13 House members introduced at the last session of Congress.

The bill would authorize the Secretary of Health, Education and Welfare to give technical financial and administrative aid to States, municipalities, school districts and other local governmental units "to eliminate denials of constitutional rights in the field of public education by reason of race, color, religion or national origin and to come into compliance with decisions of the Supreme Court in the field of public education."

It would permit Federal grants for employment of additional teachers and for teacher training as well as for enlarging school facilities in communities making moves to end segregation in schools. It also would set administrative procedures for preparing desegregation plans.

The bill would go considerably farther than the Civil Rights Act passed by Congress in 1957 and applying mainly to denial of voting rights. It would restore in revised form the Title III that was knocked out of the 1957 bill. This provision would allow the Attorney General to obtain Federal court injunctions to prevent violations of civil rights.

Sen. Douglas To Act For Better Civil Rights Laws

By GREG HARRIS

Sen. Paul H. Douglas (D-Ill.) Monday outlined the tactics to be used by liberal Democrats to enact civil rights laws in the next season of the Congress.

Douglas told a group of Roosevelt university students that on the subject of civil rights, "The Senate is the South's revenge for Appamattox."

The white haired Illinois lawmaker voiced the hope that when the powerful Senate Judiciary committee is named by Senate Majority Leader Lyndon Johnson (D-Tex.), that it will not be "stacked"with anti-integration numbers. The Judiciary Committee, first stop for any new civil rights bill, was headed last term by Sen. James O. Eastland (D-Miss.) who is credited with being the most dedicated Senate advocate of absolute racial segregation.

Douglas observed that even with the recently adopted civil rights Act and the Supreme Court's 1954 desegregation edict, Negro parents in southern states are still at a gigantic economic disadvantage in pressing suits against local school boards.

Douglas estimated the coast of prosecuting such cases from the original Federal district court through appeals courts and finally to the Supreme Court at approximately $5,000.

The former World War II marine officer and university professor announced a four point goal for the new civil rights bill:

1. A provision to give local U. S. Attorneys the power to intervene in wider areas of civil rights violations than presently covered by the 1957 law.

2. A provision that would allow federal aid to those schools that are denied state funds due to desegregation. (Virginia would be such a state.)

3. Federal aid, where necessary, to those schools and school districts that experience increased operating costs by virtue of desegregation.

4. The establishment in the Department of Health, Education and Welfare of Investigating Research Councils to "prepare" areas for desegregation.

SEPARATE SEXES

Sen. Douglas opined that the approach to desegregation in Little Rock, Ark., had preceeded along the wrong path.

Douglas said that southerners generally have a fear of mixing Negro males and white females in social situations. The Senator said that had integration been approached from the lower grades in elementary school, the now internationally infamous actions at the Arkansas capital might have been avoided.

On that point Douglas emphasized, "Perhaps we might take a lesson from our Catholic friends and segregate the sexes. Put Negro and white boys in one class and Negro and white girls in another class."

Turning to the subject of the filibuster and the dangers it presents to civil rights legislation, Douglas said that some states, although small in population, are vitally effective in opposing civil rights laws. Specifically the veteran Illinois Senator said that Arizona and Delaware side with the South in an attempt to "backmail" the rest of tne nation.

"It is amazing that the so-called Mountain states with only 6 million in population have 16 Senators, just as the heavily populated industrial states with a population of 75 million have the same number of Senate seats," Douglas said.

According to Douglas, the liberal Democrats hope to amend the Senate's rules on opening day by revising Rule 22, the weapon used by the anti-civil rights bloc to talk unwanted bills to death and prevent a vote.

"The Senate's current rules require a two-thirds vote of the full Senate membership to close debate on a question, using the principles of Roberts Rules of Order," Douglas said. He continued, "However, Thomas Jefferson favored the yardstick of a majority of the Senators present on the floor. We, of course, agree with Jefferson."

Douglas quite forcefully said that the liberal Democrats expected to get vitally needed support on any new civil rights measure from certain key Republican Senators. He cited Senators Case and Javitts as two such supporters.

The meeting was attended by more than 200 students of Roosevelt University in the Loop school's student lounge.

Rights Inquiries In 3 Fields Set By Commission

Advertiser

WASHINGTON (AP)—The federal Civil Rights Commission Tuesday directed an immediate inquiry into three broad fields of civil rights — voting, education, and housing.

It put off a decision whether to investigate alleged mistreatment of Negroes at or near Dawson, Ga., by police officers, pending receipt of complaints.

Gordon M. Tiffany, commission staff director, said the fact-finding inquiry would be conducted in conjunction with advisory committees in the various states.

The inquiry, Tiffany said, will not be directed toward any particular area. He said it would be conducted under commission authority to collect information regarding legal developments that constitute a denial of equal protection of the law.

As for the Dawson, Ga., matter, Tiffany said the commission had before it only a story by a Washington Post and Times Herald reporter relating how two Negroes died after brushes with the police and a third suffered gunshot wounds in incidnts occurring over the last few months.

Civil Rights Group Plans Triple Probe

New Courier

WASHINGTON (AP)—The federal Civil Rights Commission Tuesday directed an immediate inquiry into three broad fields of civil rights — voting, education, and housing.

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Undertaker Tom Moore, a native of Dawson who reported he had done well working with white people, said he had never heard of any such incidents. He added that he would if they had occurred.

Also denying any terrorism was E. E. Sykes, principal of Carver High School. He said he knew nothing of any of his teachers being threatened with loss of their jobs for attempting to register to vote.

Mayor V. L. Singletary said Negroes are free to come and go as they please at all hours of the day and night.

Charleston

"There is no terror or anything like that going on down here," he said. "It's very peaceful."

Tiffany said the inquiry into operation of laws governing voting, education and housing will be undertaken in conjunction with nonsalaried state advisory committees now being set up by the commission. Such committees have been created so far in Texas and Indiana and are tentatively approved for half a dozen other states.

The inquiry will not be directed toward any particular area, Tiffany told a news conference. He said that although school integration and Negro voting are generally Southern problems and housing incidents have occurred in isolated sections of the North, nearly every state will be covered by the study.

INTEGRATION AREAS

Particular consideration will be given to areas where integration of schools has resulted from voluntary action at the local level.

The study, Tiffany said, will be made under that section of the 1957 Civil Rights Act authorizing the commission to collect information regarding legal developments that constitute a denial of equal protection of the law.

"The inquiry," he added, "will be into laws and action in compliance with or in defiance of those laws."

He said other federal agencies will be asked for assistance in the study, but "it is not the intention of this commission to go running to the FBI."

Tiffany said the basic studies will get under way this month with simultaneous inquiries in various states.

We are going to give full consideration to all suggestions made by our state advisory committees," he said. Tiffany added it is hoped to have as many state groups as possible named by September.

He said the next meeting of the commission will be held July 1 at Kellogg Center on the campus of Michigan State University at East Lansing, Mich. The commission chairman, Dr. John A. Hannah, is president of the university.

TO MEET IN MICHIGAN

Tiffany said there is no special significance to holding the first meeting away from Washington in Michigan. He said some staff members will be in that area at the time and it was decided to have the commission meet there to save expenses and as a matter of convenience.

Tfifany also announced he had taken on as a consultant, while state committees are being organized, Paul H. Sanders, a professor at Vanderbilt University law school at Nashville, Tenn. He said Sanders will be paid for days actually worked.

In alleged brutality to Negroes—

New Rights Commission refuses Dawson probe

Demands Investigation of Intimidations of Negroes By Dawson, Ga., Police

New York,—The new Civil Rights Commission and the United States Attorney General have been called upon to intervene in the "continuing state of terror and intimidation" in Dawson, Ga., and Terrell County in which it is located.

In telegrams, dispatched today to Gordon Tiffany, executive director of the Commission, and to Attorney General William P. Rogers, Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, urged immediate action by the federal government to forestall further terrorization of Negro citizens in the county.

Mr. Wilkins recognized that the FBI had entered the case and expressed the hope that its "investigation will point up the necessity of federal intervention and that action will be commenced without undue delay against those persons responsible for this reign of lawlessness in Dawson."

"Tape recorded statements by Negro residents of Dawson made in secrecy amply bear out the newspaper accounts. Because of atmosphere of fear, no possibility exists of sworn affidavits by Dawson Negroes directly affected."

DAWSON, Ga., June 11—(AP)—The Civil Rights Commission says it needs specific complaints before taking action against alleged police brutality of Negroes in this South Georgia section.

A Washington, D. C., newspaper's report that Negroes in Dawson live in an atmosphere of fear were denied by white officials and two Negro spokesmen.

Staff Director Gordon M. Tiffany said after a Civil Rights Commission meeting in Washington yesterday the Commission would not consider rumors.

But he said it would like to hear from anyone having direct knowledge of brutality reported by The Washington Post and Times-Herald last Sunday. The story told of two Negroes being slain and another being wounded by Dawson policemen in recent months.

ALFRED FRIENDLY, managing editor of The Post and Times-Herald, said "we remain convinced of the accuracy of our story."

E. E. Sykes, a Negro school principal, and Tom Moore, a Negro leader and undertaker here both denied any atmosphere of fear among their race.

Both said they knew nothing of several incidents of alleged brutality cited by the Washington newspaper.

Dawson Mayor V. L. Singletary also denied any terror among local Negroes. "It's very peaceful," he said.

He supported Police Chief Howard Lee's statement that officers were just doing their duty in the incidents in which two Negroes were killed and another wounded.

Not A Very Pretty Picture

A Washington newspaper the other day printed an open letter t the House of Representatives.

It was signed by 200 leading citizens from 18 Southern and Borde states. Ops American P.4

The letter urged the House Committee on Un-American Activities to stay out of the South unless it was going to investigate those who oppose the Supreme Court, the federal policy of civil rights for all and the American ideal of equality and brotherhood.

An Atlanta attorney, Austin T. Walden, submitted the same advertisement to the Atlanta Constitution a fine liberal newspaper, and was refused. Baltimore, Md.

1. Because the open letter mentioned police killings and intimidation of colored voters in Dawson, Ga.;
2. It contained a derogatory reference to Senator James O. Eastland;
3. It made an unflattering mention of the House Committee on Un-American Activities, and Sat. 8-23-58
4. The newspaper wanted affidavits from each of the 200 signatories.

The Atlanta Constitution cannot print an advertisement accepted by the Washington newspaper in the regular course of business because of fears the pressure of plantation politicians and laws, enacted by a wool-hat legislature with a special design to put a muzzle on this great newspaper.

* * *

THE HOUSE Un-American Activities Committee did hold hearings in Atlanta. But it did not investigate the terrible situation at Dawson Ga., nor the action of the Georgia legislature in passing a package of defiant laws which so far have made it impossible to integrate a single school in that state.

Instead, it investigated only those persons who have spoken out strongly for integration.

A Californian sent a telegram to an Atlanta friend telling him what time he would arrive at an Atlanta hotel. Only he and his friend knew of this telegram.

The Californian had not been in his hotel room for five minutes before police, who said they were acting for the House Un-American Activities Committee handed him a subpoena. o

The same visitor when he went to pay his hotel bill found that his telephone calls were not itemized. The clerk could find neither the original nor a duplicate statement of these calls.

Later it was discovered that they were in the possession of the House Committee on Un-American Activities.

* * *

WHEN THE open letter was introduced at the hearings, Representative Edwin E. Willis of Louisiana, acting chairman, asserted there was strong evidence the letter had been composed by Communists.

That was a silly remark.

Everybody, but Rep. Willis knows that men, clergymen like Bishops Love, S. L. Greene, Frank Madison Reid, R. E. Jones, Catholic Father John LaBow and the Rev. W. L. Ransome of Richmond as well as editors like C. A. Scott, Atlanta Daily World; Carter Wesley, Houston Informer and C. C. DeJoie, Louisiana Weekly do not lend their names to communist causes.

The hearings did reveal that the Georgia Commission on Education created by the legislature to propagandize segregation, has been making photographs of all interracial meetings, even violating the sanctity of an Episcopal cathedral.

This then is a picture of an agency of the United States Government operating in the South and the way in which Georgia politicians have been able to muzzle liberal newspapers.

It's not a pretty one.

10 1958

GOVERNORS' CONFERENCE ON CIVIL RIGHTS

Governor's parley on rights set for June 4

BOSTON, Mass.—The Governor's Conference on Civil Rights will be held June 4, at Boston College Law School.

Conference Officers are John L. Saltonstall, Jr., chairman of the Massachusetts Civil Rights Conference; Sol Kolack, vice chairman, New England Regional Director, A. D. L.; Joseph Kaplan, treasurer of the Anti-Defamation League of B'nai B'rith and Joseph Cass, secretary, Education Director, Mass. C.I.O. Council.

Keynote speakers are the Rev. Father Robert F. Drinan, dean, Boston College Law School; Professor Robert E Livernash, Harvard Business School, Soldiers Field Rd., Brighton and Charles E. Curtis who Drafted original F.E.P.C. Bill enacted 1946.

The Steering Committee includes Mrs. John C. Batson, Jr., J. William Belanger, Gerald A. Berlin, Julius Bernstein Regional Director, Jewish Labor Committee, 27 School St., Rm. 419, Boston; Mrs. Thomas F. Broderick, John A. Callahan, Dr. Thomas J .Curtin, Bertram A. Druker, Thomas M. Hennessey, J. Arthur Hickerson, Andrew B. Holstrom, Ray Johns, Monsig. Francis J. Lally, Henry M. Leen, Mrs. Mildred H. Mahoney, the Rev. Francis J. McDonnell.

Also J. Westbrook McPherson, Keesler H. Montgomery, Frank W. Morris, Alan R. Morse, Monsignor Timothy F. O'Leary, Thomas F. Quinn, Judge David A. Rose, Joseph Salerno, Robert E. Segal, Ben G. Shapiro, Louis P. Sherman, Mrs. Muriel Snowden, Dr. Hans Speigel, Dr. Olivia P. Stokes, Herbert E. Tucker, Jr., Lewis H. Weinstein, and Mrs. George Wilkins.

Rogers Opposes Jenner Bill, Substitutes, Too

Washington, April 2 (AP)—Attorney General Rogers Tuesday announced his opposition to two proposed substitutes for a bill by Senator Jenner (R., Ind.) to limit the reviewing powers of the Supreme Court.

Rogers has condemned the Jenner proposal as "a retaliatory measure" that "threatens the independence of the judiciary."

Rogers used the phrase, "sort of silly," in referring to the substitute advanced by Senator O'Mahoney (D., Wyo). Under this nominees for federal judgeships would take an oath before the Senate Judiciary Committee that they would carry out their prospective oaths as judges.

Rogers said he also opposed the second substitute, sponsored by Senator Butler (R., Md.). It would reverse some recent decisions of Supreme Court in subversive cases.

'Research' Report to Jenner Bill Hearing Terms Supreme Court Rulings Pro-Red

Special to The N

WASHINGTON, April 8—A "research report" attacking the Supreme Court as "an instrument of Communist global conquest" was issued by the Senate Internal Security Subcommittee today.

The report was given out in the form of an appendix to the transcript of recent subcommittee hearings on a bill by Senator William E. Jenner, Republican of Indiana, to limit the appellate jurisdiction of the Supreme Court. The internal security subcommittee is an army of the Senate Judiciary Committee.

Senator Thomas C. Hennings Jr., Democrat of Missouri, chairman of the Judiciary Subcommittee on Constitutional Rights, questioned the report, noting that it had been printed separately from the transcript of the hearings. He said he was "quite astonished" that the subcommittee had "highlighted" it by prrinting it in this fashion.

The report was compiled by an organization called SPX Research Associates. It declared that "in the paralytic effect of its pro-Communist decisions, on state and Federal agencies of internal security, the United States Supreme Court is the most powerful, and potentially determinative, instrument of the Communist global conquest by paralysis."

A member of the Internal Security subcommittee staff explained tonight how the SPX report came to be published as a separate pamphlet.

The subcommittee, he said, was under instructions from the full Judiciary Committee to hold further hearings on the Jenner bill and to include in the record all material submitted by witnesses and other interested persons.

The hearing record is more than two inches thick and does include hundreds of letters and other documents submitted by persons for and against the Jenner bill.

The staff member said that the SPX document was mailed in just as the hearing record was going to press. Apparently the only way the printer could handle it was as a separately bound appendix, he said.

The staff member described SPX Research Associates as "an extreme right-wing outfit" but said he knew nothing more about it. He said the organization had asked for hundreds of copies of the appendix but had been sent only about fifty.

DEFEAT FACED BY JENNER BILL

Measure Would Restrict Supreme Court Power

By JOHN CHADWICK

WASHINGTON (AP)—A bill by Sen. Jenner (R-Ind) to curb the power of the Supreme Court was reported today to be facing defeat in the Senate Judiciary Committee.

Sources close to the committee said that a majority of the 15 members now oppose the controversial measure, although a compromise was not ruled out.

A possible showdown vote on the issue, next Monday, was washed out when the committee's regular weekly meeting was canceled because several of the members will be away.

The bill has been denounced by opponents as the most serious assault on the independence of the judiciary since the late President Roosevelt's unsuccessful 1937 "court-packing plan."

Jenner Accuses Court

But Jenner, accusing the court of usurping legislative functions, contends his bill simply makes use of a congressional check on judicial power that is expressly set out in the Constitution as part of the system of checks and balances.

What the bill would do is to limit the Supreme Court's appellate jurisdiction by withdrawing its authority to review lower court decisions in five categories.

These are cases arising from congressional investigations, security firings of federal employes, state antisubversion laws, regulations of school boards or similar bodies concerning subversive activities by teachers, and the admission of lawyers to practice in state courts.

Controversial Decisions

In each of these fields, the Supreme Court recently has handed down controversial decisions.

In the Nelson case, for example, the court threw out state anti-subversive legislation on the ground that the federal government had pre-empted the field. In the Cole case, it held that a statute providing for summary dismissal of federal employes as security risks applied only to sensitive jobs.

The court also found in two cases last year that excluding lawyers from practice on charges of past or present subversive activity violates the 14th Amendment. In another case, it ruled that a schoolteacher cannot be fired solely because of invoking his Fifth Amendment protection against self incrimination.

In still another controversial decision, in the Watkins case, the court said that congressional committees have no power of "exposure for exposure's sake" and cannot compel witnesses to answer without showing their questions are pertinent to a valid legislative purpose.

Would Shut off Appeals

Under Jenner's bill, no appeals could be taken to the Supreme Court in all future cases in these fields. Instead, the final decisions would rest with the highest courts in each of the 48 states and in the 11 federal Circuit Courts of Appeal.

This is what has given rise to the argument of opponents that the bill would cause legal chaos, that "we would have not one but 59 Supreme Courts."

But the constitutionality of the Jenner bill itself, should it be passed, would be subject to review by the Supreme Court.

The argument over the legislation, however, has centered about its wisdom, not its constitutionality. Most of the opponents have taken the position that Congress is empowered to limit the court's appellate jurisdiction.

Article III, Section 2, of the Constitution provides that the Supreme Court shall have appellate jurisdiction, "with such exceptions and under such regulations as the Congress shall make."

At hearings on the bill, Clarence Manion, former dean of the University of Notre Dame Law School, cited this provision in testifying that "Congress is expressly authorized to do what this bill proposes to accomplish."

Manion, a professor of constitutional law for 25 years, strongly supported the bill. He said it would restore to Congress and the states constitutional powers "which the Supreme Court has usurped, destroyed, or impaired."

'Vicious'—Dean O'Meara,

In contrast, testimony or statements in opposition to the bill were received from the deans of 30 law schools in all parts of the country. Among them was Joseph O'Meara, present dean of the Notre Dame Law School. He denounced the bill as "vicious."

Favorable comments were received from only three law school deans.

Dean Erwin N. Griswold of the Harvard University Law School, said the bill was punitive in purpose, would undermine the independence of the judiciary, and lead to intolerable confusion.

While describing the bill as probably constitutional, he said it was "contrary to the spirit of the Constitution."

Some well-known lawyers, such as John Lord O'Brian of Washington, maintained the bill is "so sweeping and so squarely at odds with our constitutional structure as to cast grave doubts on its constitutional validity."

'Strikes at Heart

O'Brian said that although the Constitution permits Congress to make exception to the Supreme Court's jurisdiction, it must be read as a whole and "in the light of the major purpose of its authors."

Jenner's bill, he said, "strikes at the heart of the Supreme Court's functions as one of the three coordinate branches of the federal government, as impartial arbiter of federal-state relationships, and as historic protector of the freedom of the individual."

The American Bar Assn., in a resolution adopted last month, called the bill "contrary to the balance of powers set up in the Constitution between the executive, legislative and judicial branches of our government."

BUTLER URGES REVISIONS IN JENNER BILL

Acts to Save Proposed High Court Curb

[Chicago Tribune Press Service]

Washington, March 24—Sen. John Marshall Butler [R., Md.] today offered a series of amendments designed to save from defeat the Jenner bill for curbing the jurisdiction of the United States Supreme court.

The Senate judiciary committee again postponed a vote on the original measure sponsored by Sen. William E. Jenner [R., Ind.] and began consideration of Butler's proposal. A committee majority had been ready to kill the Jenner bill.

Jenner indicated he would accept the amendments because one of them retains the principle for which he has fought—that Congress, under the Constitution, has the power to strip the court of judicial review in certain areas if it so chooses.

Spells Out Intent

The remaining amendments would correct the effects of recent Supreme court decisions in security and subversion cases by spelling out the intent of Congress in unmistakable language, instead of depriving the court of jurisdiction in such cases.

Jenner sai dhe was agreeable to this method of rebuking the court for decisions which have been attacked as diminishing the power of Congress, the states, and the executive departments to protect the national security. He predicted eventual committee approval of the amended legislation.

Butler said his first amendment would "preserve the principle that Congress has power to curb the Supreme court's incursion beyond its proper sphere while narrowing application of the principle to the one area in which there can be no substantial argument—the right of each soverign state to decide who may practice law in its courts."

Limits Review Powers

The Supreme court, under this amendment, would have no authority to review lower state court decisions denying Communists or subversives admission to the state bar.

The other amendments, instead of withdrawing the Supreme court jurisdiction in broad areas, would provide legislation to:

1. Give congressional committees the right to rule what questions are pertinent for witnesses and cite them for contempt in case of refusal to answer. The Supreme court had attempted to set up its own standards of pertinency in congressional investigations.

2. Give all government department heads the power to fire a government employe, without regard to the nature of his employment, in the interests of national security. The court had ruled that the discharge power applied only to employes holding "sensitive" [with access to confidential data] positions.

Curb on Congress

3. Provide that no act of Congress in any field shall operate to exclude any state law on the same subject matter unless express provision is stated to that effect. The Supreme court had freed Steve Nelson, convicted of sedition in Pennsylvania, on the ground that Congress had "preempted" the field in sedition cases.

4. Restore the effectiveness of the Smith act with reference to advocacy of forcible overthrow of the government. The court had set free a number of convicted Communists on the ground that their advocacy of the government's overthrow had not been incitement to action but mere abstract doctrine. The new law would make such advocacy criminal "without regard to the immediate probable effect of such action."

Amendment Offered to Jenner Bill

To Ease Curb On Supreme Court

From the Herald Tribune Bureau

WASHINGTON, Mar. 24.—Sen. John M. Butler, R., Md., proposed today that the controversial Jenner bill, curbing the scope of the Supreme Court, be amended to revise some recent decisions by legislation, but without directly curbing most of the court's powers.

The Butler amendment, amounting to a substitute for much of the bill originally offered by Sen. William E. Jenner, R., Ind., was discussed by the Senate Judiciary Committee, but no action was taken.

Instead of Sen. Jenner's plan to bar the court from acting in four specified fields in which it has made controversial decisions recently, the Butler amendment would spell out existing law in the same areas. The Butler proposals are:

Amendment of existing law to liberalize substantially the present definition of pertinency. This is aimed at the court's insistence that a witness before a Congressional committee can be compelled to answer only questions which are demonstrably pertinent to legislation. The Butler proposal would hold that any Congressional question is pertinent unless "timely objection is made." In event of objection, the committee would have the power to decide the question immediately.

Empowering all government agencies to dismiss any government ecployee "in the interest of national security." This counters the court's view that government employees can be dismissed on security grounds only if they hold sensitive jobs.

Providing that Federal law can not supersede state law unless Congress has so specified, and further that no state law provision can be invalidated in the absence of a "direct and positive conflict" with Federal law. This would reverse the court's invalidation of state anti-subversive laws on the ground that that field has already been preempted by Congress.

Amending the Smith Act, it a crime to advocate overthrow of the government "without regard to the immediate probable effect." This would deal with the court's rule making a distinction between mere advocacy of overthrowing the government, and actual incitement to overthrow.

The Butler proposals stuck to Sen. Jenner's approach in one area: a provision barring the Supreme Court from jurisdiction over admission of lawyers to the bars of the forty-eight states. There is, Sen. Butler said, "no substantial argument" that the states have sovereignty in this field. In two cases last year, the court invalidated disbarment of lawyers accused of past, or present subversive activity, on the ground that the method of disbarment violated the Fourteenth Amendment.

Judicial Oath Proposed

The Judiciary Committee also received, but took no action on, a related resolution by Sen. Joseph C. O'Mahoney, D., Wyo. It would require that all judicial appointees take an oath recognizing the legislative powers of Congress, and pledging themselves "not to participate knowingly in any decision designed to alter the meaning of the Constitution itself, or of any law as passed by the Congress and adopted under the Constitution."

Senate Unit Approves Parts of Jenner Bill

Measure Would Limit High Court's Right To Decide Subversion Cases

Washington, April 28 (AP)—Two hotly argued proposals to upset Supreme Court decisions on subversion and Communist activity were approved Monday by the Senate Judiciary Committee.

In one of these decisions the court held that states have no right to prosecute people for subversion, that the Federal Government has pre-empted this field.

This is known as the Steve Nelson case, after the Pennsylvania Communist, who was its central figure.

The committee sought by its action to restore the power of the states to pass and enforce their own laws against subversion or sedition.

Acts' Verbiage Changed

In the other decision the court held that the Smith Act did not forbid the advocacy and teaching of forcible overthrow of the Government as an abstract principle, provided it was not linked to any positive action.

To "correct" this finding, as Chairman Eastland (D., Miss.) phrased it, the committee voted to make the act read:

"Without regard to the immediate probable effects of such action, whoever knowingly or wilfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the Government of the United States . . . by force or violence" shall be guilty of a felony.

Eastland said this and other language specifies sufficiently that teaching or advocating is enough to warrant conviction, without requirement of proof that any actual step to overthrow the Government was taken.

Jenner Principal Advocate

The legislation is being pushed primarily by Senator Jenner (R., Ind.), who says it is needed to curb what he describes as usurpation of legislative power by the court.

Its foes, who include Attorney General Rogers, criticize it as an assault on the independence of the judiciary.

Eastland said the committee Monday threw out two other proposals originally proposed by Jenner. These sought to block the Supreme Court from reviewing cases arising from the firing of federal employees on security grounds and from regulations by school boards and similar bodies concerning subversive activities by teachers.

10 1958 LOUISIANA

Louisianan Seeks Subpoena Of White

SHREVEPORT, La. (AP) — Dist. Atty. Louis H. Padgett of the nearby Bossier-Webster Parish District Thursday asked the Webster Grand Jury to subpoena W. Wilson White, U.S. Assistant Attorney General for civil rights.

Padgett said in a letter to Grand Jury Foreman Marcus Wren he would instruct Sheriff J. B. Batton on procedures to be used in serving the subpoena upon White.

The district attorney also urged that FBI agents who testified that their refusal to answer grand jury questions recently were on direct orders from White be subpoenaed to appear at the same hearing with White.

He referred to testimony by agents during a probe by the grand jury last month into whether FBI agents intimidated Voter Registrar Winnice Clements during an investigation of her office.

"I note with interest," Padgett said, "that the Justice Department in a letter directed to you has denied that Mr. White instructed certain agents of the FBI not to reveal information pertaining to your investigation.

"I am sure that it is obvious to you," he said, "that either the agents involved have committed perjury or that the Department of Justice is guilty of furnishing you with false information."

Padgett asked the grand jury to review the transcript of the hearings and order subpoenas.

'Unworthy to use title of Christian'

WASHINGTON

Rep. Brooks Hays (D.-Ark.) "is unworthy to represent any group that calls itself Christian in this country."

That's the opinion of Clarence Mitchell of the NAACP national office, who rapped the congressman and Baptist leader on Friday.

Mr. Hays recently introduced a bill in Congress "to turn back the clock of integration in this country," Mr. Mitchell told a meeting of the National Civil Liberties Clearing House at Hotel Statler.

* * *

HIS SALVO against the congressman drew counterfire

(Photo on page 9)

from a speaker who earlier had addressed a session of the two-day annual conference.

Mr. Mitchell's remarks were impromptu during the question and answer period after an address by Mrs. Daisy Bates of Little Rock, Ark.

"We can't blame children who spit on other children in school," Mr. Mitchell said, referring to Little Rock incidents.

"We must lay the blame at the door of people who are elected representatives of the Christian faith.

"I think we must denounce them," he added. "I think we must say these people are unworthy to lead the Christian church or bear the name of Christian."

* * *

REP. HAYS, president of the Southern Baptist Convention, is related to include a visit to Russia in a trip abroad, Mr. Mitchell said.

He recalled that the congressman once assured the NAACP that limited integration in Little Rock would be carried out peacefully.

Col. Francis P. Miller, who earlier addressed the meeting, struck back at Mr. Mitchell for his attack on Rep. Hays.

"I THINK it is most unfair that Mr. Mitchell has taken this moment to make an attack on Mr. Hays," Colonel Miller said.

"If Mr. Mitchell and his organization are going to attack Southerners like Brooks Hays, I despair for the future of this country," he added.

Colonel Miller said upon questioning by Mr. Mitchell that he didn't think it was "fair for Mr. Hays to introduce the legislation he has" with respect to civil rights.

"I don't agree with Brooks Hays, but I think it is unfair for you to castigate him," said the colonel who serves as president of Virginia Council of Churches.

* * * *

A DESCRIPTION of the torment children at Central High go through was given by another Little Rock citizen.

"I couldn't tell you all the things that happen to the children, how they are spit upon daily . . . It is much worse than I have outlined."

The speaker was Mrs. Daisy Bates of Little Rock, Ark., on Friday before the annual conference of the National Civil Liberties Clearing House at Hotel Statler.

Mrs. Bates described the daily ordeal of the eight pupils at Central High School and prevailing attitudes on integration in Little Rock.

* * *

SHE SAID it would be a mistake for the Federal government to heed the school board's request to call off integration at embattled Central High, where "the mob is now inside."

Minnie Jean Brown, who was expelled from the school, "held her head high in face of violence," Mrs. Bates said.

Miss Brown is now attending a New York school on a scholarship after her expulsion for calling a girl "poor white trash."

WHEN GOV. Orval Faubus recently returned from the Democratic Party fund raising dinnner in Washington, "he was greeted by segregationists who carried placards saying 'one down and eight to go,'" Mrs. Bates said.

Reference was made to the expulsion of Minnie Jean Brown and daily efforts by the mob to get the other colored thrown out of the school.

The mob inside the school numbers about 50 pupils who are backed by parents and segregationists working on the outside, according to Mrs. Bates.

"They are intimidating white students now."

SHE SAID church people "are afraid of the segregationists."

"White Citizens Councils are spending money for ads and radio time," Mrs. Bates said. "I wish we had that kind of money."

She stated, "If the AFL-CIO in Little Rock is sympathetic to us, they are keeping it to themselves."

Only one Catholic school in the Little Rock is integrated to her knowledge, Mrs. Bates said in answer to a question.

Catholics "won't permit enrollment of colored children in kindergarten," she said of a colored mother's recent rebuff by a parochial school.

Mrs. Bates said whenever told to give up the fight for decency, "Our faith in God and

AT CIVIL RIGHTS PARLEY — Mrs. Olya Margoln, chairman hospitality committee; Mrs. Mary Alice Balridge, executive director; Mrs. Daisy Bates, Little Rock; and Clarence Mitchell, NAACP Washington bureau, chat between sessions of the two-day conference called at Washington's Hotel Statler by the National Civil Libererties Clearing House.

the Constitution of the United States gives us courage to keep going.'

She said part of the opposition includes 17 suits filed against the NAACP.

* * *

TOLD OF Mitchell's statement, Mr. Hays said:

"I don't want to reply with any heat at all. I just feel that Mr. Mitchell has not studied my statement. I respect his right to differ with me as to the wisdom of it, but I regret that he's raised any question about motive.

"It has been my purpose thoughout life to help build bridges of understanding between the races. I certainly hope Mr. Mitchell will read my statement."

Sen. Paul Douglas, (D.,Ill), urged the passage of civil rights legislation he recently introduced. He said two of the most important points in his bill are Federal support for schools forced to close because of integration and authorization for the United Sates Attorney General to bring legal action on behalf of persons denied their consitutional rights.

* * *

Sen. Paul Douglas

OTHER SPEAKERS Friday criticized President Eisenhower for lack of leadership in bringing about compliance with the Supreme Court decision against segregated public schools.

Rep. James Roosevelt, (D., Calif.), told the conference that the Federal Government would insist and would keep Southern schools open with funds and force, if necessary.

Roy Wilkins, executive secretary of the NAACP, said "The people in northern Virginia, who have done such an excellent job in differentiating themselves from the State of Virginia in its crazy actions, must go still further."

* * *

GUY BENTON JOHNSON, professor of sociology at the University of North Carolina and former director of the Southern Regional Council, told the conference:

"The legal structure which Virginia has enacted to prevent any desegregation can be invalidated. The whole setup is so obviously unconstitutional that the leaders themselves cannot expect it to stick."

Johnson said "we had a right to expect better than we've got from the leadership of Virginia."

"There is no resaon to believe that the citizens of Virginia are not intelligent enough to accept some integration, as the citizens of North Carolina have,," Johnson said.

"To maintain otherwise as the leaders of Virginia do, is an insult to the people of the state."

The one-day conference in the Statler Hotel ended Friday.

Horry Civil Rights Trial Opens In Florence Court

By ELDRIDGE THOMPSON
News & Courier Roving Reporter

FLORENCE — Horry County Sheriff John T. Henry and eight of his deputies went on trial here Monday on charges of civil rights violations.

The lawmen, whose case has been presented to three federal grand juries, sat calmly behind a battery of defense lawyers as the government presented 11 witnesses. The Horry County officers' wives sat alongside them and left the courtroom with them at 5:05 p.m.

The officers are charged in a five-count indictment with abusing three Negroes and a white man and holding them in violation of "their rights and privileges secured to them under the 14th Amendment to the U. S. Constitution."

The three Negroes are Cleo Patrick, Leonard Ford and Vernee Floyd. The white man is Bob Jackson Spivey. Only Roy Huggins is charged with "wilfully and unlawfully subjecting Spivey to the deprivation of "his rights under the 14th Amendment."

The sheriff and the eight deputies are also charged wth having conspired to violate Section 242, Title 18 of the U. S. Code, "namely to deprive them (the plaintiffs) of their liberty without due process of law; the right and privilege to be secure in their persons while in the custody of anyone acting under color of the laws of South Carolina; the right and privilege to be immune from force and violence by anyone exercising the authority of South Carolina or acting under color of its laws for the purpose of obtaining information about an alleged crime or crime suspect; . . . and not to be subjected to illegal punishment, force and violence by any person acting under color of the laws of this state."

OCTOBER INCIDENT

The charges against the officers grew out of an incident on or about Oct. 13, 1956, in which Deputy J. D. Stanley was attacked by Leonard Ford in, what the owner today described as a "beer joint," located near Red Bluff. Ford was later tried and convicted on the charges in an Horry County trial and is now serving time.

Only three of the witnesses today were white men. Two of them were special agents with the U.S. Alcohol and Tobacco Tax Division and the other white man was Junior Hardee.

Only one of the plaintiffs, Cleo Patrick, took the stand today. He testified that he was struck in the face by deputies the night of the incident at his "beer joint" and later subjected to physical abuse while being held in the Horry County Jail. Patrick was unable to identify any of the deputies that he charges violated his rights.

A statement that Patrick said he signed upon his release from jail Monday following the Saturday night incident was introduced for the "purpose of identification" by defense attorney Henry H. Edens and later entered by the govrnment as "Exhibit No. 2" and read to the jury.

NOT 'FORCED'

The statement was much the same testimony Patrick gave today. It also said he (Patrick) was not forced to make or sign the statement.

Patrick told the jury today that Stanley came to his place and instructed him to "cut the piccolo down. I did what he told me to and went behind the counter to return the screwdriver. I saw Ford (Leonard) talking with Mr. Stanley. Later when I looked around I saw Mr. Stanley on the floor and Ford kicking him. I ran against Ford and pushed him away. Another man helped me get Ford out of the place. I sent another man after Mr. Stanley's father. He came and took Mr. Stanley away."

Patrick said deputies came to his house later. "They sent Jesse Wilson to tell me to come outside," he testified." They didn't give me a chance to tell them what happened. They struck me in the face and kicked me. Later two deputies struck me in the stomach on the elevator in the jail. I don't know any of the deputies who struck me."

Patrick said for the past two months he has been living in Trenton, N. J., but gave no reason. He listed his address as still being Red Bluff.

LEAVES STAND

Wilson, 30-year-old Negro farmer, came off the witness stand to identify Deputies Chalmers Small, Roy Huggins, J. B. Stanley and James B. Smart as "being at Cleo's" when Patrick was alleged to have been struck by the lawmen. However, he said he didn't know which deputy struck Patrick.

Raleigh Wilson, who farms with Stanley's father, said he saw a deputy kick Patrick but couldn't identify him today. Junior Jefferson and Junior Hardee told the court the same story. Hardee said he saw Odell Floyd at Patrick's place. Hardee is a relative of Stanley's.

Joe Richardson, the tenth witness, testified that he saw Small strike Patrick and identified Floyd and Smart as being present.

Owen Bain, ATTD special agent of Salisbury, N.C., and W. L. Hutto, former ATTD agent, said they took statements from Patrick and relayed them to proper authorities.

Edens questioned the two agents as to their relationship with Horace Carter of Tabor City, N. C., publisher of two weekly newspapers. "Did you contact Carter before you took a statement from Patrick?" Edens asked Bain.

SAW CARTER

The ATTD officer said he saw Patrick first. "I talked with Mr. Carter two or three times after then," Bain said.

Hutto told Edens, "I was told by my superiors to see Mr. Carter. I did just that."

Carter, editor of the Loris (S.C.) Sentinel and Tabor City Tribune, was the first to make charges against the sheriff's department. He alleged that the sheriff was mixed up in a "jukebox shakedown" and with "white whisky traffic" along the South Carolina coast. Later an Horry County Grand Jury exonerated Sheriff Henry and his deputies of any such violations.

There were two Negro men and two white women among the prospective jurors today. The court dismissed one of the women and the defense excused the second. The defense excused both Negro jurors.

JUDGE WARNS

The 12 white men named to the jury to hear the evidence were warned by Judge Ashton H. Williams "not to talk with anyone about this case. It is of wide interest in South Carolina. If anyone approaches you to discuss this case let me know immediately."

In questioning prospective jurors, Edens asked Negro Jerot Retter of Bamberg, if he was a member of the NAACP. He said he was not. Later, when Arthur Pickens of Kershaw, the other Negro, faced Judge Williams, the prospective jurors were asked if they were members of the NAACP as well as the KKK.

The only time Sheriff Henry's name was brought into the testimony today was during Patrick's appearance. He said he was questioned by Sheriff Henry at the jail on Sunday following the Oct. 17 incident.

Working with Edens in defense of the lawmen are J. Reuben Long, solicitor for the 12th Judicial District; George Keels of Florence and Henry Hamer of Columbia.

Court will convene Tuesday at 10 a. m.

Eisenhower 'Indifferent' To Civil Rights, Powell Claims

WASHINGTON — (INS) — Rep Adam Clayton Powell (D) N.Y., charged last week that President Eisenhower has become indifferent to Civil Rights issues.

In a letter to the President, the congressman said it would be "extremely regrettable" if Mr. Eisenhower's administration should find itself branded by its friends as being anti-Civil Rights because of the "procrastination" of the administration.

POWELL OUTLINED three specific complaints. He said Vice President Richard M. Nixon failed to keep a promise to the Rev. Martin Luther King of Montgomery, Ala, to bring the government contract compliance committee to the South.

The committee, which Nixon heads, is charged with eliminating racial discrimination in any plant with a government contract. Powell said the promise was made last June and that the committee "has not even crossed the Potomac."

The Congressman also noted his own suggestion to the President last September to confer with Negro leaders about school integration problems arising out of the Little Rock crisis.

• • •

POINTING OUT that the President had met since with such "enemies of integration" as Georgia Senator Richard B. Russell and Arkansas Governor Orval Faubus, Powell said a conference with "some of the lovers of democracy" is still needed.

Powell also said the justice department decision not to press Civil Rights legislation in this session of Congress "could be disastrous." He warned of more Little Rock types of disorders next September unless the federal government is given power to enforce court orders.

Powell Reminds Ike Of Broken Vows On Rights

By ETHEL L. PAYNE

WASHINGTON — President Eisenhower was chided by Rep. Adam Clayton Powell (D. N.Y.) for his failure to keep his promise to meet with Negro leaders and his "indifference" on civil rights.

The New York congressman wired the Chief Executive at the White House saying in part: "A rapidly rising tide of criticism is mounting against your administration not only from your enemies, but your friends . . . It will be extremely regrettable that your administration which spearheaded the first civil rights law in 82 years should find itself being branded as being anti-civil rights."

Powell cited three examples of broken pledges by the Eisenhower administration.

First, in March, 1957, at Ghana independence ceremonies, Vice President Nixon met Rev. Martin Luther King, jr. and arranged to confer with him later back in the states. A meeting was held in June at which time, the Vice President promised to arrange a meeting of the Government Contract Compliance Committee in a southern city.

Powell said he had talked with Rev. King this week and was informed that he had no further word from the Vice President on this, though seven months have passed.

Second: On Sept. 18, the President wired Powell that he would meet with him and other Negro leaders in response to a request of the day before, but more than four months have passed and the President has not only not followed through, but disclaimed any knowledge of the matter at his last press conference.

Third: On December 9, 1957, the new attorney general of the United States, William Rogers, said there would be no further recommendations for civil rights legislation in this session of Congress, thereby breaking a pledge for stronger civil rights legislation.

Powell warned that without further civil rights legislation, there may be more incidents like Little Rock and Clinton, Tenn.

10 1958

EX-PRESIDENT HARRY S. TRUMAN

HST hits Ike's silence on civil rights issue

BOSTON, Mass. — Former President Harry S. Truman took a firm, "unequivocal" position in a speech here last week that the historic desegregation decision of the Supreme Court is "not only the law but it is morally right."

Mr. Truman, speaking at a testimonial dinner for Edward McCormack, contrasted his position with that of President Eisenhower. He said:

"The President has never told the nation that he believed the Supreme Court's decision was morally right. He has carefully avoided stating his views on the subject."

He continued: "For three years, the Administration stood aside while the opposition in some parts of the country gathered its strength. Only when there was out-right defiance of the courts by a sovereign state did the President move into action.

* **

"THAT WAS TOO late. The opposition to law had solidified and the poison of hate had already spread."

Now 74, the vigorus Mr. Truman said that it is not enough for Mr. Eisenhower to "deplore the 83 instances of bombings of schools, homes and religious institutions traceable to the desegregation conflict."

He said that the President has a "moral responsibilty in this matter and must exercise active, affirmative leadership."

If President Eisenhower had fought as hard for civil rights as for his foreign trade policy, "we would have a lot less trouble today."

* * *

MEANWHILE in New Orleans, Federal District Judge J. Skelly Wright ordered desegregation of Orleans Parish public schools. He enjoined the school board from permitting racial segregation and ordered that children be admitted to schools without regard to race "with all deliberate speed."

School board attorney Gerard Rault said that the judge's decision would be appealed—although the case has already been heard throughout the federal court system on up to the Supreme Court.

Judge Wright also labeled a 1956 Louisiana law as unconstitutional. This law said that a legislative committee had the power to label a school either white or colored.

* * *

IN A NOVEL twist, the state of Virginia paid to have itself told that its laws are unconstitutional. The case heard in the Virginia Supreme Court was one set up by the state to test the constitutionality of its laws.

The state felt that if it could get its "anti - NAACP" laws approved by its own supreme court, then those laws would have a better chance of standing up in federal court.

The state accordingly appointed Samuel H. Williams of Lynchburg to present the case against the state laws. Mr. Williams' efforts resulted in the interesting development of a state paying to have its laws torn down.

Mr. Williams told the court that Virginia's "massive resistance laws, to thwart school desegregation, not only violated the 14th amendment of the U.S. Constitution but also Sections I and II of the Virginia Constitution.

* * *

MR. WILLIAMS said that state laws giving the governor control of schools was a violation of Section I of the state constitution. This section, he says, provides that persons cannot be deprived of the enjoyment of life and liberty with the means of acquiring and possessing property and pursuing and obtaining happiness and safety."

Under the seizure law, he said, communities are deprived of possession and management of their own school property.

The principal law violated, he indicated, was Section 129 of the state Code which says that the "General Assembly shall establish and maintain an efficient system of public free schools throughout the State."

(In earlier discussion, state officials define the word "efficient" in that law as meaning "segregated.")

* * *

IN ANOTHER PART of the state, the desegregation controversy deepens in intensity. Norfolk citizens are awaiting a Nov. 18 referendum on the question of whether or not the city council should petition the governor to relinquish control of the schools and return them to the city.

Five members of the school board have drawn the fire of city councilmen over their determination to speak out on the school - closing issue. They intend to attempt to persuade the public to support the return and reopening of the schools.

City Council, on the other hand suggested that the school board members follow its lead and not "politick" on the matter.

Actually, the question is a moot one for even if the voters favor the petition, the council is not bound to be guided by it.

* * *

IN WARREN COUNTY, Virginia, 111 high school juniors joined about 100 seniors in a private school set up by the Warren County Educational Foundation. The group plans to expand that school to eight, ninth and tenth grades in November.

Mrs. E. J. Kerfoot, educational director of the foundation, admitted that the biggest problem of the foundation was money. Running a close second to this problem will be that of staffing the school.

Public school teachers are still on the county payroll although inactive because of Gov. Almonds school closing.

They may not teach in the private schools unless those schools are desegregated.

* * *

AND IN LITTLE ROCK: It was announced that some 60 per cent of the 3,698 students locked out of school by Gov. Faubus' order, have managed to enroll in Little Rock private schools or public schools in other parts of the country.

Some of the private schools are operated by church denominations.

COURT DECISIONS

12a 1958

3 Freed After Civil Rights Statute Probe

MACON, Ga. — (UPI) — A federal grand jury has refused to indict three Dawson, Ga., policemen for alleged brutality in the death of two Negroes in the Southwest Georgia town, it was disclosed Saturday.

The government had sought to prosecute Randolph Ennis McDonald, Wyman B. Cherry and Edwin Harold Jones, Dawson officers, under the civil rights statute.

The grand jury's negative report Friday climaxed several months of investigation touched off by newspaper accounts, including one in the Washington, D. C., Post and Times Herald, of conditions in Dawson.

The Washington newspaper said that Negroes in Dawson, which has a population of 5,000, were living in terror of police.

Federal investigators had proposed indictments based on the deaths of two Negroes, the pistol wounding of a third, the beating of a fourth, and the alleged illegal detention of a fifth. All the charges were rejected.

The Negroes who died were James Brazier, 51, and Willie Countryman, cousins. McDonald and Cherry arrested Brazier April 21 on charges of resisting arrest. He died eight days later after an operation to relieve a skull fracture. Cherry said he had been forced to blackjack Brazier to subdue him.

Cherry killed Countryman, May 25 when he went to a Negro house with another officer to investigate a disturbance. Cherry said the Negro ripped his hat with a knife and was attempting to attack again when he shot him.

For the investigation, FBI agents went to Dawson. Roy Wilkins, executive secretary of the NAACP, urged the Civil Rights Commission and the Attorney General to intervene.

To all the charges about police mistreatment, Dawson Mayor V. L. Singletary answered "97 per cent of our Negroes are satisfied."

Court Voids Suit Citing Racial Bar

U.S. Judge Rules Evidence Lacking In Eufaula Action

By DICK LOOSER

A complaint charging that Negroes would be barred from a new public housing project at Eufaula was thrown out of court here Wednesday by U. S. District Court Judge Frank M. Johnson Jr.

Judge Johnson, in a five-page opinion, ruled that no evidence had been submitted by the 10 Eufaula Negroes to back up their complaint of a "facit agreement between all defendants and the private enterprise interests that the homes would be sold or leased only to white persons.

The suit was filed here June 9 by the 10 plaintiffs who are property owners in the area to be developed by the Eufaula Housing Authority and who will be forced to vacate their homes after they have been purchased or legally condemned.

Represented by Montgomery attorney Fred Gray, the Negroes filed the suit naming the City of Eufaula, the Eufaula Housing Authority and Harry Wright, executive director of the housing authority as defendants.

POLICY CUSTOM

The plaintiffs contended that it is the "policy, custom and usage to segregate Negro and white in public programs and that it is their plan to do so after the project is developed."

Under the housing plan, some 72 Negroes will be removed to another area while the property is demolished on the theory that it is a blighted area. On the premises of the old buildings will be built new homes, with space made available to the city for a park and recreational area, and for school facilities if deemed necessary.

In dismissing the suit, the federal judge said:

"The court assumes the defendants, their agents and successors in office will upon completion of the project, recognize the law . . . the law being to the effect there can be no governmentally enforced segregation solely because of color."

RELATIONS, RIGHTS

In filing the complaint, the plaintiffs had asked the judge to "decree and adjudge" the legal relation and rights of the parties and to enjoin the defendants from: continuing racial segregation in public housing projects; failing to provide other housing for them; failing to incorporate with private redevelopers a requirement to lease or sell without discrimination because of color; and refusing plaintiffs and members of their class the right to use all facilities in the developed area.

Under the present plans of the housing authority, most of the homes in the Flake Hill area will ultimately be sold to private parties for residential redeveloping and to the city for recreational area development.

The defendants, in their answer to the charge, contended that no present controversy existed and that the plaintiffs had failed to state a claim.

In rendering the opinion, Judge Johnson said:

"In this complaint, before there is a genuine and presently existing justifiable controversy . . . the court must assume the redeveloping plan will be executed; that the school board will acquire land and construct a school and that qualified Negroes will seek admission and be denied solely because they are Negroes; and that they will apply for housing and if eligible, be discriminated against. . . ."

"A study reveals the complaint to be insufficient insofar as stating a cause of action and alleging a presently existing genuine justifiable controversy," he concluded.

The project will be financed through the Federal Urban Renewal Administration.

All court costs were assessed against the plaintiffs, Stephen Tate, Clara Cochran, David Frost Jr., Adolphus Cummings, Annie Bell Crews, Oscar Bouer, Gennie M. Griffin, Willie Griffin, Dan Walker, and Lu[illegible]oung.

ALABAMA COURT VOIDS SUIT ON RACIAL BAR

Montgomery,Ala.(ANP) A complaint charging that Negroes would be barred from a new public housing project at Eufaula was thrown out of court last week by a U.S. district judge.

Judge Frank M. Johnson,Jr., in a five page opinion,ruled that no evidence had been submitted by the 10 Negroes to back up their complaint of a "tacit agreement" between all defendants and the private enterprise interests that the homes would be sold or leased only to white persons. The Negroes filed suit June 9. They are property owners in an area to be developed by the Eufaula housing authority, and subsequently will be forced to vacate their homes after they have been purchased or legally condemned.

The plaintiffs contended that it is the policy, custom and usage to segregate Negro and white in public programs and it is their plan to do so after the project is developed. Under the housing plan, 72 Negroes will be removed to another area while the property is demolished on the theory that it is a blighted area.

In dismissing the suit the federal judge said: "The Court assumes the defendants, their agents and successors in office will upon completion of the project,recognize the law, the lae being to the effect there can be no governmentally enforced segregation solely because of color.

The project is financed through the federal urban renewal administration

CALL p.26 Fri.8-22-58 Kansas City,Mo.

Alabama's Judges Divided On Criminal Jurisdiction

By FRED TAYLOR
Staff Writer, The Birmingham News
Special to The Atlanta Journal-Constitution

MONTGOMERY, Ala., April 5—Alabamians are witnessing a dignified, but nevertheless determined fight between two groups of judges on the state's two highest courts over a constitutional amendment to rearrange the appellate system.

Arrayed on one side are Chief Justice J. Ed Livingston and the six associate justices on the Supreme Court. And on the other are Presiding Judge Robert B. Harwood and the two associate judges of the Court of Appeals.

They are fighting over a proposal, sponsored by the Court of Appeals judges, to convert that tribunal into a Court of Criminal Appeals, with final jurisdiction in all criminal cases.

At the same time it would limit the Supreme Court's authority to hearing only civil appeals cases.

Chief Justice Livingston and his associate justices have issued a joint statement, couched in polite but forceful language, denouncing the amendment that will be decided at the polls in a special election to be held on May 6 — same day of the Democratic primary.

Presiding Judge Harwood and his two associate judges have made a strong appeal for ratification of the amendment — No. 1 on the special election ballot.

The Court of Appeals presently exercises jurisdiction over the lesser criminal and civil cases.

The Supreme Court now has the right, which all seven justices of this tribunal have emphasized that it should retain, to review all cases decided by the Court of Appeals and to set that tribunal's decisions aside.

Chief Justice Livingston and the other six Supreme Court judges, in assailing the proposal, asserted that its ratification "would tend to cause confusion" and might bring on "legal anarchy."

Joining Livingston in that lengthy statement, which not only was published in Alabama newspapers but also was printed in the Alabama Lawyer, a legal publication, were:

Associate Supreme Court Justices Thomas S. Lawson of Greensboro; Robert T. Simpson of Florence; Davis F. Stakely and John L. Goodwyn, both of Montgomery; Pelham J. Merrill of Heflin and James S. Coleman Jr. of Eutaw.

Presiding Judge Harwood and Associate Court of Appeals Judges Annie Lola Price and Aubrey M. Cates Jr. issued an earlier joint statement saying the amendment, which they helped push through the Legislature last year, would "streamline our appellate system."

Favors Change

"The change, in our opinion, is a highly beneficial one," their statement added. "In simple language, the amendment would eliminate the delay caused by our present overlapping appeals system.

"The Legislature, responsive to the public's impatience with the delay and confusion now inherent in our 'double appeals' system, voted to submit the amendment to the people."

Judge Harwood and his associates also pointed out that at present appeals in civil cases involving $1,000 or less must first go to the Court of Appeals. Criminal appeals from a sentence of 20 years or under in the penitentiary also must go to this court.

They said they had studied courts of criminal appeals in Oklahoma and Texas and "we are convinced of the positive benefits" of the system for the public and for persons involved in law suits.

Chief Justice Livingston and the six associate Supreme Court justices declared:

"Rather than simplifying and accelerating the work of these courts, it is our firm opinion that to have two appellate courts of final jurisdiction would tend to cause confusion and, as one Supreme Court justice observed, would result in 'legal anarchy.'

"There cannot be two Supreme Courts in one state, and the effect of the amendment would be to make the Court of Criminal Appeals a supreme court of irrevisable appellate jurisdiction in all criminal and quasicriminal matters."

The chief justice and his associate judges stressed, in their lengthy statement, that the far-reaching amendment "is not a matter to be settled between the two appellate courts, but should address itself not only to the serious consideration of the bench and bar of Alabama, but to all citizens."

3 Judges Study New Orleans Park, Bus Segregation Appeal

NEW ORLEANS, Jan. 17 (AP)—Three judges of the U.S. Fifth Circuit Court of Appeals hold the latest key to the deadlock over segregation in New Orleans public buses and its city park.

The shape of the key may not be known for weeks—until the three judges have mulled over lengthy arguments delivered yesterday.

At the moment, attorneys for the city and for the state of Louisiana are battling against a U.S. district court judgment ordering desegregation of City Park facilities and of bus seating. Both City Park and public transportation—in accordance with custom—still are segregated in New Orleans.

Attorney Louis B. Porterie, representing the City Park Improvement Assn., told the court that United States Supreme Court decisions in school and park segregation cases were based on unsound textbooks dealing with psychology and sociology.

Said Poterie: "The basic premise is solely these psychology and sociology textbooks. We are entitled to look at those books.

"If the books are unsound, then the court's decisions are unsound."

Porterie claimed the action by the Negro plaintiffs was a suit against the state and that the state had not consented to be sued. He said the Louisiana attorney general is an indispensable party and should have been made a deferment.

Further, he said, there is in effect no segregation of the city's transit system since both whites and Negroes use the same entrances and exits on the vehicles, and often stand together in the aisles.

During Liska's argument, Chief Judge Joseph C. Hutcheson Jr. commented:

"The Supreme Court makes many wrong decisions, but they are binding until they set them aside."

The city attorney held that a single U.S. district judge is without jurisdiction to hear a case involving constitutionality of a state statute where an injunction is sought.

Rebuttal arguments were brief. A. P. Tureaud, attorney for the National Assn. for the Advancement of Colored People, made them.

Tureaud cited several U.S. Supreme Court segregation decisions. He contended it was not necessary "to have an incident" before persons can sue for their civil rights."

The Negro attorney cited similar park litigation in Atlanta and Baltimore. He said this litigation settled the issue conclusively.

PUPIL INTEGRATION RULING IS AFFIRMED

Appeals Also Denied on City Park, LSU

The United States fifth circuit court of appeals handed down three opinions Thursday striking down efforts to maintain segregation in the New Orleans public schools and City Park and in four state institutions of higher learning.

In separate decisions the court:

1. Upheld for the second time an injunction issued by the district court restraining the Orleans parish school board from continuing its policy of segregation.

2. Upheld an injunction of the district court enjoining the New Orleans City Park Improvement Association from refusing use of the park's facilities to Negroes because of their race or color.

3. Rejected appeals by the Louisiana State university board of supervisors and the Louisiana state board of education from district court orders which would have allowed entrance of Negro students into LSU, Southwestern Louisiana Institute, Southeastern Louisiana college, and McNeese State college.

In the Orleans parish school board case, the only ground for its second appearance before the court of appeals was that the injunction issued by Judge J. Skelly Wright was void because attorneys for the National Association for the Advancement of Colored People failed to post a $1000 bond which was required under federal court rules.

EARLIER RULING CITED

The court of appeals had previously upheld the validity of the injunction, which is a preliminary injunction, and the United States supreme court has refused to review the case.

In its opinion Thursday, the court of appeals said: "We have heretofore affirmed the order of the trial court. Thus, no asserted defection in that order can now be considered by us."

Failure to post the bond, the brief opinion said, could not have hurt the board. "That this is so is eloquently testified to by the failure of the defendant itself to take notice of the omission," the opinion added.

When Judge Wright issued the injunction on Feb. 15, 1956, he also ordered desegregation of the public schools "with all deliberate speed," but set no date for that to be accomplished.

'IDENTICAL ISSUE'

In the City Park case, the appeals court pointed out that the appeal is from a summary judgment and a permanent injunction, and called attention to supreme court decision in cases involving segregation in city parks in Atlanta and Baltimore.

"Whatever may have been the basis of the supreme court's decision in the Atlanta and Baltimore cases, they were nevertheless decided on identical issues that are presented here, and they are of course, binding on us," the appeals court stated.

"The courts have decided that the refusal of city and state officials to make publicly supported facilities available on a nonsegregated basis to Negro citizens deprives them of equal protection under the laws in too many cases for us to take seriously a contention that such decisions are erroneous and should be reversed."

The cases involving admission of Negroes to the four state institutions of higher learning were all consolidated for the purpose of appeal.

STATE LAW ATTACKED

The suits brought by the Negroes attacked the constitutionality of the Louisiana law which makes it mandatory for applicants to Louisiana colleges to present a certificate of eligibility signed by the principal of the high school from which he graduated. A companion law provides that any principal advocating be fired.

Attorneys for the state contended that the suits by the Negroes were against the state and could not be maintained in the federal court; that they attacked state statues and heard by a three-judge court rather than a district judge; that the law requiring the certificate is not unconstitutional; and that the injunction should not have been granted without a bond.

In upholding injunctions issued by the district court, the court of appeals rejected these arguments, saying "the able trial judges dealth capably with the merits of the issue of constitutionality of the law. The views . . . expressed are adopted by us . . ."

The contention that the suits were actions against the state has been fully covered in the Orleans parish school case, the opinion states, and adds: "These suits are not suits against the state of Louisiana and no amount of assertion that they are can make them so."

All three opinions were unanimous by Chief Judge Joseph C. Hutcheson Jr. of Texas, and Texas, and Judges Elbert Tuttle of Georgia and Warren L. Jones of Florida.

U.S. Court Of Appeal Denies Rehearings In 8 Rights Cases

Negroes in this city moved a full step closer to first class citizenship last Friday, with the United States Fifth Circuit Court of Appeal's refusal to rehear seven segregation cases previously ruled upon in favor of Negroes, and two other cases involving the denial of civil rights.

A motion was filed at the same time of the rehearing refusal in federal district court asking for a summary judgement to be rendered in the segregation case of Orleans parish school board. April 9 at 10 a.m., in Judge J. Skelly Wright's court was the time and place set for the hearing on the request.

The cases which were denied rehearing are:

The bridge case involving Negroes given the right to utilize city park facilities now denied by New Orleans city park improvement association.

Segregation (Bush school suit) declared invalid and an injunction issued ordering the end of policies of segregation now in effect by Orleans parish school board.

The (Davis-Adams) case involving the ruling upheld by the court that segregated seating in busses and streetcars in New Orleans is unconstitutional.

The (certificate of eligiblity) cases concerning the seeking of admittance to Louisiana State University, Southeastern Louisiana College, Southwestern Louisiana Institute and McNeese College.

Civil rights cases filed by Negroes claiming discrimination against them in the Ouachita parish voter registration purge.

In connection with the denial of rehearing of the bus suit the New Orleans Public Service company released a statement that said in part:

"We are advised by our counsel that the law affords the parties to the suit the right to file an application with the United States Supreme Court for a writ of certiorari (a review of proceedings).

"In the meantime the company (New Orleans Public Service) will continue to operate as at the present."

Also on the segregation front, a motion to dismiss a suit against Baton Rouge city officials in which a Negro has sought to have the city transportation segregation laws ruled invalid was denied. The action was ruled in federal district court by Judge Herbert W. Christenberry.

The suit was filed by Rev. T. J. Jemison in February 1957 against Mayor Jack Christian, members of the city - parish council, Police Chief Shirley Arrighi and Sheriff Bryan Clemons.

The suit asked that a ruling be made declaring segregated seating unconstitutional as well as an order restraining enforcement of segregation by city officials.

SCHOOLS, BUSES AND PARKS

Appeals Court Weighs 7 La. Segregation Cases

By JOHN E. ROUSSEAU

NEW ORLEANS—The United States Fifth Circuit Court of Appeals has taken under advisement seven desegregation cases after hearing arguments by attorneys representing plaintiffs and defendants last week. Five of the cases involve school segregation, one is against the segregated transit system of New Orleans, and the other is seeking full use of the New Orleans City Park for Negroes.

The court, consisting of Chief Judge Joseph C. Hutcheson Jr. and Judges E. B. Tuttle and Warren L. Jones, heard the appeals of lower court decisions Wednesday which ordered integration of the Orleans Parish Schools, Louisiana State University, McNeese College (Lake Charles), Southwestern Louisiana Institute (Lafayette), and Southeastern Louisiana College (Hammond).

■

THURSDAY, THE court heard appeals of lower court decisions which ordered integration of the New Orleans City Park and the local transit system.

Gerald A. Rault, counsel for the Orleans School Board, argued that the "failure of the plaintiffs to post bond at the time of the temporary injunction (Feb. 15, 1956) vacates the entire decision."

Thurgood Marshall, NAACP chief counsel, branded Rault's argument a "dilatory tactic," saying:

"The only purpose for the bond is to protect defendants against damages when an injunction is issued. In this case no damages were possible until the validity of the injunction was established by appeals.

"After the U. S. Supreme Court upheld the injunction, the defendant then posted a $1,000 bond as stipulated by Federal District Judge J. Skelly Wright."

■

IN THE college cases, George Ponder of the Attorney General's office argued that the decisions were faulty in declaring that Acts 15 and 249 of the 1956 State Legislature were a "package" designed to maintain college segregation. He said they are separate laws with no bearing on one another.

Act 15 requires a "certificate of eligibility and good moral character" for registrants at state colleges. Act 249 says a teacher or school official may be fired for acts advocating integration.

In rebuttal, Marshall said:

"We have evidence the two acts have worked together. We know of cases where school principals said they would not sign the Act 15 certificates because they were afraid they would be fired under Act 249."

■

ARGUING THE City Park matter Thursday, defense attorney Louis Porterie said the Federal district decision was "unsound because it was based on an unsound U. S. Supreme Court decision." The court informed Porterie that it could not overrule the U. S. Supreme Court. Atty. A. P. Tureaud Sr. represented the plaintiff, Mandeville Detiege et al, in the case.

City Attorney Al Liska argued that laws regulating passenger seating on transit vehicles had never been enforced and there could be no irreparable damage as claimed by petitioners the Rev. A. L. Davis Jr., and Dr. William R. Adams, who sought desegregation.

He said there was no psychological effect resulting from the seating arrangement because both white and Negro passengers used the same entrances, same exits, stand together, and are not regulated by stationary signs. Further, he said, there was no complaint of any arrest or conviction to support the plaintiffs' petition.

■

ATTORNEY TUREAUD cited a law that said it was not necessary to have instances of psychological reaction to get injunctive relief. He pointed out that areas in public buses and street cars are marked off by a sign indicating the seating arrangement separating Negro from white passengers.

Louisiana Mixed Sports Ban Overruled

Federal Ruling May Affect Teams In Sugar Bowl

Birmingham

NEW ORLEANS, Nov. 28 (AP) — A Federal court ruling with far-reaching effects today knocked out a Louisiana law banning sports competition between white and Negro athletes.

The law, passed by the state Legislature in 1956, prevented mixed boxing matches and teams with Negro players from meeting all-white squads in events such as the Sugar Bowl.

Although not concerned in the case, filed by Negro Boxer Joe Dorsey, the Sugar Bowl could be the chief beneficiary of the ruling.

Birmingham

The Sugar Bowl has been searching for an opponent for top-ranked Louisiana State in the New Year's Day football game. The sports segregation law narrowed the field to a handful of teams.

The Air Force Academy, ranked eighth in this week's Associated Press poll, was the choicest plum for the Sugar Bowl. But like the other service academies — Army and Navy—the Air Force frowned on the sports segregation law and all but eliminated itself from consideration.

Oct. 1-29-58

Although he declined comment on the ruling pending a consultation with attorneys, Sugar Bowl President Claude (Monk) Simons did not eliminate the Air Force as a possibility. Persistent reports during the week all but had Clemson in the other corner to face unbeaten LSU in the post-season extravaganza.

Louisiana Atty. General Jack Gremillion, when informed of the ruling, said it was his mandatory duty to file an appeal.

The court, however, also tossed a stumbling block at the state by issuing an injunction preventing further enfrocement of the law.

Judge John Minor Wisdom of the U. S. Fifth Circuit Court of Appeals and District Judges Herbert Christenberry and J. Skelly Wirght signed the ruling. It dealt only with mixed athletic competition and din not touch segregated seating at sports events and other phases of the segregation law.

Court Voids Louisiana Ban On Racially Mixed Sports

New York Times

Special to The New York Times.

NEW ORLEANS, Nov. 28—A three-judge Federal court ruled today that Louisiana's athletic segregation law was unconstitutional. The suit testing the law passed by the 1956 Legislature was brought by a New Orleans Negro prizefighter, Joseph Dorsey Jr.

Judge John Minor Wisdom of the United States Fifth Circuit Court of Appeals and Federal District Judges Herbert W. Christenberry and J. Skelly Wright concurred in the decision. They issued a temporary injunction enjoining the state from prohibiting racially mixed athletic contests, social functions and "entertainments."

State laws upholding segregated seating at athletic events, however, were unaffected by today's decision.

Birmingham

Despite this, the order had an immediate effect on New Orleans sports circles. Irwin Poche, a member of the executive committee of the Midwinter sports association, sponsors of the Sugar Bowl football game and related athletic contests, observed:

"This should help the Sugar Bowl."

Sugar Bowl Hampered

For the last two years Sugar Bowl officials have been unable to invite teams who have Negro members. Service institutions have refused to permit their teams to play in Louisiana because of the law.

Also hailing today's judgment was Bonnie Geigerman, boxing promoter, who said recent title fights had been held in Houston, Tex., instead of New Orleans because of the law.

The section of the law held unconstitutional by the judges reads:

"All persons, firms and corporations are prohibited from sponsoring, arranging, participating in, or permitting on premises under their control, any dancing social functions, entertainments, athletic training, games, sports, or contests and other such activities involving personal and social contacts in which the participants or contestants are members of the white and Negro races."

Jurisdiction denied

Mr. Dorsey's suit was brought against the State Athletic Commission, which regulates boxing and wrestling contests. In declaring the law to be unconstitutional, the judges also declared invalid a commission rule, based on a Texas statute That was upset by another Federal court.

Citing the school segregation ruling of the United States Supreme Court in 1954, the judges held that the Louisana law and the commission rule had violated the equal protection clause of the Fourteenth Amendment.

In its reply to Mr. Dorsey's suit the state had argued that the court had no jurisdiction because the suit was brought against the state. This, it said, violated the Eleventh Amendment protecting a state against being sued without its consent.

The state also contended that Mr. Dorsey should have sued the individual members of the commission. In any event, it declared the law had been adopted under the state's police power as a measure to preserve peace and good order.

The court denied these contentions, noting that the suit did not attempt to compel state action but was aimed rather at preventing "illegal action of the commission." Nor was there any merit to the argument that Mr. Dorsey should have sued the individual members of the commission, the opinion said, because the commission is the state's agent.

Oct. 1-29-58

With respect to the police power contention of the state, the judges said such powers were limited by the Fourteenth Amendment and noted:

"The use of the term police power works no magic in itself. Undeniably the states retain an extremely broad police power. This power, however, as everyone knows, is itself limited by the protective shield of the Federal constitution."

The Louisiana Attorney General, Jack Gremillion, said he would appeal the decision.

L. S. U. Opponent Sought

NEW ORLEANS, Nov. 28 (AP) — The Sugar Bowl has been searching for an opponent for top-ranked Louisiana State University in the New Year's day Football game. The segregation law narrowed the field to a handful of teams.

The Air Force Academy, ranked eighth in this week's Associated Press poll, was the early choice for the Sugar Bowl. But like the other service academies—Army and Navy—the Air Force frowned on the sports segregation law and all but eliminated itself from consideration.

Persistent reports during the week had Clemson Coutot as the opponent for unbeaten Louisiana State.

Racial Remarks Void Trial

Advertiser, P&P

JACKSON, Miss., Jan. 7 (AP) — The Mississippi Supreme Court has ordered a new trial for a Natchez Negro on grounds the district attorney injected racial prejudices in winning a robbery conviction.

Montgomery Ala.

Justice W. D. Ethridge Jr., based his opinion on the fact the district attorney told the jury: "If you don't stop them now, they will be robbing white people."

Joe Reed, the defendant, had drawn a two-year sentence in the robbing of Mack Hill, also a Negro.

Wed 1-8-58

Ethridge said the state admitted the district attorney's statement was an error but argued it was not sufficient grounds for reversing the conviction.

"With that we cannot agree," the court held. "The state's case against Reed was made out principally by the testimony of Hill. The jury had the duty and right to evaluate that testimony and other evidence independently of the emotional factor of racial prejudice being injected into the case by the state's attorney."

Moreover, the lower court overruled defense objections to the district attorney's statement, "thereby in effect holding that the quoted argument was proper," Ethridge wrote.

Negro Sues City In Death Of Her Son

Daily News P.6
Jackson, Miss
Fri. 2-7-58

HATTIESBURG, Miss. (Special) — A Negro woman has filed a $50,000 damage suit against the City of Hattiesburg in connection with the death of her son, who drowned in a water-filled rut on a street that was being repaired.

Hestiney Jones Corbin claims in the Circuit Court suit that Robert F. Floyd's death last December was the result of "gross negligence" on the part of the city.

Sheriff's officers who investigated the incident at the time said Floyd's body was face-down and his face was in water so shallow it did not cover his head. The officers said friends of Floyd told them the man had been drinking whisky for several days.

A coroner's jury ruled the death was by drowning.

Momentous Decision

The New York Supreme Court in a far-reaching decision ruled recently that 50,000 apartments heretofore available to white persons only must be rented on a first come, first served basis.

The opinion was written by Justice Samuel W. Eager holding that the owners of the Rochelle Arms apartments, built with FHA assistance in New Rochelle had violated New York's civil rights act in denying an apartment to Norris G. Shervington because of his color.

Justice Eager ruled that the rights of a private property owner must give away to the power of a state to protect individuals in their right to be treated equally free of discrimination.

Mr. Shervington is an employee of Associated Publishers, a cooperative enterprise owned by a group of newspapers including the AFRO.

He formerly worked in the concern's Chicago office. When he was transferred to New York, his application for an apartment at the Rochelle Arms was accepted, but then rejected when his race became known.

As a result he lost four months before he could succeed in getting his family located.

He filed a complaint with the New York State Commission Against Discrimination and it was processed by the state without his having to pay any legal fees.

The commission's chairman, Charles Abrams quite properly hailed the decision as a "significant landmark" in the fight for freedom.

They heard Mr. Nixon say that the progressive states need not wait for a piddling Congress to move, but can enact and enforce without delay their own measures to insure equality of opportunity and treatment.

A total of 21 states already have civil rights acts with varying degrees of enforcement powers. New York's is the strongest.

There's little hope, at the present time for the 13 most backward states to do anything, but there is no reason under the sun for the 15 other enlightened states not to work for the speedy enactment of such legislation.

$40,000 Damages Awarded In Slaying

NEW YORK — (ANP)—A $40,000 award was returned by a State Supreme Court jury in New York City Wednesday in the slaying of a Post Office employe by an off-duty patrolman in 1945.

Andrew T. Brown of 2400 Seventh Avenue was fatally wounded by Patrolman William Garvin in front of a restaurant at 717 St. Nichols Avenue. The officer since was convicted of manslaughter and sentenced to five to ten years in prison.

Patrolman Garvin contended that Brown made a threatening move when he sought to arrest him for using profanity in the restaurant.

Atty. Edward Jacke, who represented the Brown family, termed the shooting a wanton act by a "vicious character."

The jury deliberated three hours before reaching a verdict of $40,000 in the $250,000 damage suit against the city. The money will go to the victims 71-year-old father residing in North Carolina.

Model Ruth King Accepts $10,250 in Auto Mishap

RUTH KING
. . . her injuries worth $10,000

NEW YORK — Opposing attorneys have agreed that injuries suffered by a shapely New York model in a 1956 auto accident are worth $10,250.

Miss Ruth King had suffered lacerations of the face, a leg injury, and a slight concussion while riding in a car with Milton Silverberg, co-owner of the Place Pigalle restaurant around 3 A. M. on Dec. 15, 1956.

The auto was involved in a crash at 148th St. and Riverside Drive. Miss King's counsel, Atty. Abraham Fuschberg and counsel for the Home Insurance Company, came to an agreement just before the case was slated to come up for trial before Supreme Court Justice Vincent Lupiano.

Miss King was working at the time as a clerk in Municipal Court.

12a 1958

NEW YORK

$40,000 for a man's life

NEW YORK (ANP)—A $40,000 award was returned by a State Supreme Court jury in New York City, Wednesday in the slaying of a Post Office employee by an off-duty patrolman in 1955.

Andrew T. Brown of 2400 Seventh Ave., was fatally wounded by Patrolman William Garvin in front of a restaurant at 217 St. Nicholas Avenue. The officer since was convicted of manslaughter and sentenced to five to ten years in prison.

PATROLMAN GARVIN contended that Brown made a threatening move when he sought to arrest him for using profanity in the restaurant.

Edward Jackson, attorney, who represented the Brown family, termed the shooting a wanton act by a "vicious character."

The jury deliberated three hours before reaching a verdict of $40,000 in the $250,000 damage suit against the city. The money will go to the victim's 71-year-old father residing in North Carolina.

N. C. Upholds Segregated Golf Sentence

RALEIGH, N.C.—The six Negroes who went all-the-way to the N.C. Supreme Court in an effort to break a 15-day sentence imposed on them for trespassing on a golf course operated for white persons in Greensboro, have been turned back again.

Last week the court found "no error" in a Guilford County Superior Court's conviction of six for trespassing charges at Gillespie Park golf course.

At the time of the first conviction, the defendant's lawyers argued that the men had a right to play on the course because it was public and leased by the city to a golf club corporation. They also cited a Federal court ruling that it was illegal to deny Negroes use of the golf course.

Attorneys for the defendants haven't said whether they will appeal the North Carolina court's decision to the U.S. Supreme Court.

Hit Jackpot—Mr. and Mrs. Gerald Horsley of Pittsburgh, Pa., were awarded $25,000 by a Federal District Court as a result of injuries suffered by both parties following an automobile accident, July 3, 1955. Sandra Young, 18-year-old white girl from Atlanta, Ga., proved to be a key witness for the Horsleys. Mrs. Horsley is the former Helen McCoy, an attendant to "Miss Kentucky State" in the early 1940s.—Harris Photo.

Supreme Court Refuses Virginia Racial Appeal

By Richard L. Lyons
Staff Reporter

The Supreme Court of the United States delivered another blow yesterday to Virginia's program of massive resistance to school integration.

By refusing to review, the Court let stand a Fourth Circuit Court of Appeals order directing Prince Edward County to make a "prompt and reasonable" start toward ending enforced racial segregation in its public schools.

The next step in the case is for District Court Judge Sterling Hutcheson to set a date for beginning desegregation. After the Supreme Court's action yesterday he said he did not know when he would set the date.

At Richmond, indications were that the state would ask for an effective date of September, 1959, or later. Official reaction to the Supreme Court refusal was that such action "certainly is not unexpected," to use the words of Gov. J. Lindsay Almond Jr.

Original Litigant

Rural Prince Edward, southwest of Richmond near Appomattox, was involved in one of the original suits on which the court based its 1954 decision outlawing forced segregation. The county has been fighting the order since.

About 55 per cent of Prince Edward's school population is Negro. Officials and white residents have vowed to close the schools rather than integrate. The County Supervisors have doled out money to the School Board on a monthly basis. White residents have pledged $200,000 toward establishment of private white schools.

The Supreme Court made no comment in refusing to consider the appeal. It probably will take two or three weeks for the Court's mandate to officially reach District Court Judge Sterling Hutcheson.

Hutcheson had refused to set a deadline when the case was before him a year ago. The Court of Appeals reversed him on grounds that the possibility schools might be closed was no reason not to enforce the Court's decision.

Court's Ruling

"A person may not be denied enforcement of rights to which he is entitled under the Constitution because of action taken or threatened in defiance of such rights," the Court of Appeals ruled.

In its appeal to the Supreme Court, Virginia argued that, since the Court, in 1955, placed broad discretion in Federal district courts to set desegregation deadlines, the Court of Appeals had exceeded its authority in reversing Hutcheson.

"It is important," said Virginia's lawyers, "that this (Supreme) Court now re-establish that area of discretion. Otherwise, in large areas of Virginia and perhaps in other states public schools are now in their last session."

The Supreme Court apparently found no merit in this argument. It made no comment in refusing to review.

Last fall the Court turned down a similar plea from Norfolk and Newport News. Still in the courts are cases ordering an end for forced segregation in Arlington and Charlottesville.

Virginia Senate passes bill allowing the Governor to close schools in area of one patrolled by Federal troops.
Page B1

Integration Day Uncertain

FARMVILLE, Va., March 3 (AP)—Federal Judge Sterling Hutcheson said today he has "no idea" when he will set a firm date for Prince Edward County to begin desegregation of its public schools.

The U.S. Supreme Court earlier today declined to review a Fourth Circuit Court of Appeals decision requiring Hutcheson to set a time limit for the Virginia county to begin the desegregation process.

The decision — which the state administration contends would force the closing of all Prince Edward schools — now goes back to Hutcheson for compliance. The judge said he was unable to predict when the case would reach his docket.

NO COMMENT

Other principals in the Prince Edward County case had no comment. Both county and state officials indicated no plan of action might be drawn until after Hutcheson sets a deadline for desegregation to start.

Gov. J. Lindsay Almond Jr. said "'The action of the Supreme Court certainly was not unexpected."

Court Hands Virginia New Segregation Slap

WASHINGTON, March 3 (AP)—The Supreme Court dealt another setback today to Virginia's program of "massive resistance" to any racial segregation in its public schools.

In the most routine way possible, the high court refused in a one-line order to review an anti-racial discrimination decision of the U. S. Fourth Circuit Court of Appeals which Virginia said would result in closing all public schools in Prince Edward County.

That decision directed U. S. District Judge Sterling Hutcheson at Richmond to fix a deadline for Prince Edward school officials—in Southern Virginia—to start carrying out the Supreme Court's 1954 decision outlawing segregation in public schools.

Virginia, asking the Supreme Court to overturn the appellate court, said:

"The federal courts assume a terrible responsibility when they order the closing of public schools. This is what the Circuit Court has done and what this court will do if the order appealed from remains in effect."

Virginia has enacted a package of anti-integration laws which the state's leaders call "massive resistance." The laws, among other things, call for cutting off state aid and closing down any public school which is integrated pursuant to a court order.

In other major actions today, the court:

1. **RULES 8-1 THAT** the Army must base a soldier's discharge solely upon his military record, and not take into account his preinduction activities.

2. **UPHELD 7-2 THE RIGHT** of a state to levy taxes on a user of tax-exempt property, including plants owned by the U. S. Government, when used by a private party for business purposes.

3. **THREW OUT 8-1 AN APPEAL** by 23 Hollywood writers and actors seeking to sue for damages for being blacklisted by the film industry after they refused to testify before the House Committee on Un-American Activities.

4. **PUT OFF UNTIL THE** next term of court in the Fall ruling on the dispute between the federal government and the five Gulf states on the states' offshore boundaries. Involved in the litigation is the ownership of oil rich submerged lands.

Politicians Lose Again Fighting Desegregation Law

"Patient Inaction" Decided Upon By Chief Justice Warren & Co., As Treatment For Delaying Tactics Being Employed By Foes of Fair And Equal School Facilities; Bigots Finding It Impossible To Get Before Supreme Court

Washington, D. C.—In another "sweeping decision," of patient inaction, the U. S. Supreme Court on Monday of this week seems to have laid to rest, until the next time of "botheration," when the Court will have to say "nothing doing" to the courts and to the politicians of Virginia.

The old Prince Edward County case which the Court is supposed to have disposed of for good on May 17, 1954 tried to get back into the Court again this week. There were big headlines in many of the papers and articles seeking to prove the Supreme Court had made "big news" out of the Prince Edward County school case. Actually here was what was decided, according to an A.P. story:

The Supreme Court refused today (Monday, March 3) to review an anti-racial discrimination decision which Virginia said would result in closing all public schools in Rural Prince Edward County. The Supreme Court's refusal to step into the case was announced in routine fashion in a long list of court orders. The court simply announced the Prince Edward County case, along with many other appeals, would not be heard by the court.

It is recalled that originally, Prince Edward County got into the news because it had operated its schools in a manner indicating that the white minority of the county felt, because of being white, the authorities could force the Negro taxpayers to furnish the bulk of the money to maintain public schools, while they deprived the Negroes of anything even remotely resembling school facilities comparable to what they provided for the white people.

Negro citizens just hauled off several years ago, attacked the system of dealing with "equal justice" as devised by the Byrd, old line Democrat machine of Virginia, and they helped greatly in getting the Supreme Court to interpret the 14th Amendment according to what the people some 90 years ago intended the amendment to mean.

But for some 58 years ago, as a result of the decision handed down by the Supreme Court under the leadership of Democrat Chief Justice Mellville Fuller of Illinois, in 1896, in the Plessy v. Ferguson case, the Democrat authorities had lived off the fat of the land in the way of good school facilities for their children, while Negroes got nothing "and very little of that."

The Virginia authorities let out a wholly unrealistic brand of campaign oratory intended to convince the Supreme Court to take into consideration "local conditions" to the extent of not depriving them of the freedom to exclude ALL Negroes from schools where they had any white pupils i n attendance.

Eisenhower, a great world figuure knew this would never do at a time when Communist Russia was trying to get the majority of the people of the world to reject the leadership of the United States in world affairs.

It is believed that President Eisenhower had in mind the battle for the minds of the people of the world, a large majority of whom are of non-white races, when he chose Gov. Earl Warren of California to be the new Chief Justice, following the death of Chief Justice Fred Vinson, of Kentucky, back in 1953.

Mr. Vinson, himself was rated a "liberal." He came from Eastern Kentucky where a Democrat has to watch his steps in order to be elected to congress from that section of the state, containing a tremendous number of Republican voters. It is the section which produced able John Sherman Cooper senior senator, and stalwart Republican lawmaker.

Snowing that the bigoted politicians of Virginia are as unreasonable as a Forbusite, the appeal made to the Supreme Court costained the following words:

"The Circuit Court, remote from the scene and unfamiliar with local conditions, says simply that a fixed time limit is required. Virginia's problems already acute becomes critical indeed if the rule of the Circuit Court is the law of the land."

Now just how "remote" from Virginia is the Circut Court, from whose decision the Virginians appealed the Supreme Court

The Fourth Circuit Court cover North Carolina, South Carolina, West Virginia and Virginia. Chief Judge of the Circuit Court is Judge John J. Parker whom President Herbert Hoover sought to appoint to the Supreme Court more than twenty years ago. The senate would not confirm him. He is from North Carolina and in a number of recent statements he has indicated he does not relish the Desegregation decision of the Supreme Court. But even Judge Parker has to go along with the "law of the land" as laid down by the greatest Court of the world.

The question which will inevitably "come before the house" if the beligerent Virginians attempt to carry out their threat, is: Cannot the Federal Government set up a system of public schools in Virginia if the politicians undertake to deprive its citizens of an opportunity to educate their children Most certainly neither President Eisenhower nor "next President" Richard M. Nixon is likely to back down on the issue of state righis vs. Federal supremacy in this nation.

The hating politicians of Virginia may be a hopeless minority of the population and will not be able to close down any of the state's public schools, because of the more incident of "token" integration which very generally is all they're going to have in most of the states.

It is reasonable to believe that the new Civil Rights Commission is going to enfranchise Negro citizens so that they will be able to vote freely in the Old Dominion State.

There doubtless are as many white citizens in Virginia anxious to get rid of the "Byrd Machine" as colored citizens. Thus far the Virginia politicians have not been able to get to first base with their impudent challenge hurled at the Federal Courts.

3 BLOWS DEALT TO SEGREGATION IN LOUISIANA

New Orleans, Feb.13 (AP) The U.S.Fifth Circuit Court of Appeals today dealt these legal blows to State and City officials trying to keep racial segregation in Louisiana schools,colleges and parks.

In separate decisions, the court:

1. For the second time upheld a lower court decision ordering New Orleans to desegregate its public schools.

2. Turned down the appeal of the Louisiana State University Board of Supervisors and the Louisiana State Board of Education. The school and the board want to keep Negro students from entering LSU, Southeastern, Southwestern and McNeese State colleges undergraduate schools on a permanent basis.

3. Agreed with a lower court decision that forbids the New Orleans City Park Improvement Assn. to keep Negroes away from park facilities.

INJUNCTION

In the New Orleans public schools decision, the appeals court refused to nullify an injunction issued by U.S. Dist. Judge J. Skelly Wright.

Judge Wright had ordered the Orleans Parish — county — School Board to desegregate the schools "with all deliberate speed" but set no definite time for the action to be accomplished.

Earl Benjamin Bush and other Negroes got the injunction.

The school board had asked Wright to dissolve the injunction on grounds the persons seeking it had failed to file the required bond. Wright refused. The board appealed.

"We have heretofore affirmed the order of the trial court," the appeals decision said. "Thus, no asserted defection in that order can now be considered by us."

Failure to file bond, said the opinion, could not have hurt the board.

FAILURE TO NOTICE

"That this is so," the opinion continued, "is eloquently testified to by the failure of the defendant —school board—to take notice of the omission."

The decision against LSU supervisors and the state education board affected three separate lower court actions, all grouped for appeals purposes.

Arnease Ludley and other Negroes brought the suit against LSU. Alma Lark and others and Jack Bailey and another group sued the state education board.

Basically, the suits attacked the Louisiana law which makes it mandatory for applicants to Louisiana colleges to have a certificate of eligibility signed by the principal of the high school from which he graduated. A companion law denies tenure protection to any high school principal found guilty of "advocating or in any manner bringing about integration of the races within the public school system or any public institution of higher learning in Louisiana."

In U. S. Court Here—

City Of Gadsden Wins Racial Housing Suit

U. S. District Judge H. H. Grooms yesterday ruled in favor of the City of Gadsden in a racial segregation suit brought by a group of Negroes seeking to stop redevelopment of two Gadsden areas.

The suit was against the Greater Gadsden Housing Authority and its director, Walter B. Mills Jr. The Negroes who sued claimed they would not be allowed to repurchase land in the Birmingham Street Project area when slum clearance was completed and that they would be shunted off to the North Fifth-st area.

The Negroes didn't challenge the slum clearance in itself.

The court pointed out that Gadsden doesn't have any ordinances or resolutions on racial segregation of housing in the city.

Judge Grooms said in the decision that no evidence was presented showing that sales in the Birmingham street area will be restricted to white people.

He pointed out that if the Negroes' request for prior rights to purchase land in the Birmingham street area is granted "resegregation rather than desegregation will result, since . . . practically the entire area is now occupied by Negroes."

And Judge Grooms wrote that "the law does not compel integration, whatever the guise under which relief is sought. It only prohibits enforced segregation."

He said the court must presume that Gadsden officials will act "in good faith in discharging their duties and in observing the constitutions and laws, state and federal. Bad faith cannot be imputed," he wrote.

Judge Grooms heard he case argued several months ago, and took it under advisement. He signed the decision yesterday.

NOVEMBER
LITTLE ROCK, ARK.
APPELLATE COURT ORDERS 'POSITIVE' INTEGRATION

Appellate Court Orders 'Positive' Integration Steps

Little Rock Leasing Law Knocked Out

ST. LOUIS, Mo. (AP) — The Little Rock School Board was directed by a federal appeals court Monday to take positive steps to achieve integration in its district, where the four public high schools have been closed.

The court did not establish a timetable for reopening the schools. Nor did it spell out just how the integration order should be carried out. These matters were left up to U.S. Dist. Judge John E. Miller of Arkansas and the board itself.

Gov. Orval E. Faubus of Arkansas indicated the Little Rock Private School Corp. will continue operating a senior high school for white pupils in a private building with private funds.

LEASING PLAN

The three-judge division of the U.S. 8th Circuit Court of Appeals, in its unanimous opinion, also outlawed a plan for leasing the public high school buildings to the private school group.

The court directed Judge Miller to order the board and Virgil T. Blossom, Little Rock school superintendent, to "take such affirmative steps as the District Court may hereafter direct to facilitate and accomplish" integration.

Under previous court orders, the court said, the board and Blossom have an obligation to act on their own initiative to accomplish integration. It is not enough, the court said, that they merely follow the specific orders of the district court.

The appellate court criticized Gov. Faubus for closing the public high schools, and the Arkansas State Legislature for approving the emergency measures under which Faubus acted.

NEUTRALITY CLAIM

The court rejected the board's claim of neutrality in the dispute.

The three judges said they recognized the board members and Blossom previously had acted in good faith. But in leasing the buildings to the private corporation, the court said, they yielded to local clamor.

Faubus, in New Orleans to address a Citizens Council rally, noted that he had anticipated the court's ruling. Faubus had said a week ago that he had information the court would "attempt to force reopening of the public schools on an integrated basis."

Monday's opinion represented another legal victory for the National Assn. for the Advancement of Colored People. The appellate court held that Judge Miller erred in refusing to grant the NAACP's request for an injunction against the school leasing plan.

Writ Fails To Excite Little Rock Leaders

LITTLE ROCK, Ark. (AP)—A new federal court decision in the Little Rock school integration case failed to excite segregation leaders Monday.

General feeling was that the decision by the 8th U.S. Circuit Court of Appeals in St. Louis would have no immediate effect on the situation.

The court ordered the Little Rock School Board to take positive steps toward integration but did not say how this should be done since schools under integration orders have been closed by Gov. Orval E. Faubus.

Little Rock Integration Delay Reversed by Court

Verdict Hit By Griffin And Russell

Georgia political leaders Monday night assailed the U.S. Court of Appeals' decision against suspension of school integration at Little Rock, Ark., with Sen. Russell calling the decision "unrealistic and highly unfortunate."

Gov. Griffin, terming the court decision "most regrettable," declared, "The appellate court proposes to substitute the bayonet for the ballot."

Georgia's Russell, a key spokesman for pro-segregation forces in the South, added that "all the wisdom of the judges cannot possibly provide for the education of 2,000 students in a school that is occupied by troops with tanks at the corner and helicopters hovering overhead."

"GRIM LESSON"

Declaring that it probably would be futile to carry the ruling to the U.S. Supreme Court, Russell said: "This present court has decided that integration is much more important than education despite the grim lesson of Little Rock."

Griffin was equally caustic in his attack on the decision.

"The federal appellate courts in their determination to ride roughshod over the customs of a sovereign state," the governor said, "will bring nothing but strife, discord and shame to those who love and believe in freedom and local state government."

EXPRESSES HOPE

"Despite the ruling by the circuit court," Sen. Russell also declared, "I can but express the hope that the national colored peoples association will not force these children on the Little Rock schools next year."

Sen. Talmadge was unavailable for comment Monday night.

"I am not surprised," said Rep. E. L. (Tic) Forrester of Leesburg when informed of the overturning of the Lemley declision.

"I think Judge Lemley's decision certainly was a temperate way to deal with a spurious Supreme Court decision," Forrester said in reference to the Supreme Court's 1954 edict banning segregation in the schools.

"I will never agree that the Supreme Court's decision is the law," Forrester added. "But even for a judge charged with adhering to that decision, Judge Lemley's determination that Little Rock is not now ready for integration certainly should not have been disturbed."

Rep. James C. Davis of Stone Mountain commented: "I think the whole line of decisions from the Supreme Court in May, 1954, down to date is wrong."

The holding of the Supreme Court outlawing segregated schools was "a fraudulent usurpation of legislative function which the judicial department of our government does not possess."

Davis said he would be surprised if President Eisenhower again orders troops into Little Rock to enforce integration, however.

"I would have thought," Davis said, "that Eisenhower has learned a lesson" in that regard.

Rep. Flynt, when told of the decision, commented: "I am deeply disappointed."

U.S. Looks for Way To Prevent Violence

By ANTHONY LEWIS
(Copyright 1958 by The New York Times Co.)

WASHINGTON—The Court of Appeals' decision Monday reinstating the school integration program in Little Rock, Ark., again puts squarely before the Eisenhower administration the problem of enforcing integration orders against local resistance.

The decision came as no surprise at the Justice Department. Department officials have been studying the situation in Little Rock with the expectation that District Judge Harry J. Lemley's order putting integration off until 1961 would be reversed.

The decision of the Court of Appeals for the Eighth Circuit will probably open the way for Negro children to reenter Little Rock Central High School this fall.

The Little Rock School Board, which sought the delay, can petition the Supreme Court for review of the Eighth Circuit ruling and has said it will do so. But lawyers explained that such a petition would not reinstate Judge Lemley's order unless the Eighth Circuit stayed its own decision or a Supreme Court justice did so.

If Negro children are back in the school when it reopens in two weeks, the Justice Department fears violence like that which developed last year.

Last fall Gov. Orval Faubus first used the National Guard to keep the Negro children out, then withdrew the guard under court order but did nothing to maintain order at the school. There is little hope here that the governor will help enforce the court integration program this year.

In the expectation of trouble, it ion is eager to find an alternation is eager to fin dan alternative to the use of federal troops to maintain order in Little Rock. The general feeling is that last term's use of troops so aggravated Southern feelings that the hope of orderly compliance with the Supreme Court school decision was set back sharply.

One possibility under discussion at the Justice Department is the use of civil injunctions prohibiting mob leaders from obstructing enforcement of court orders. But the problem in this proposal is: Who will move for the injunctions?

In nearby Hoxie, Ark., some years ago the school board itself sought and got federal court injunctions against mob interference with its integration program. But the Little Rock school board, in the face of local antagonism to integration, may be reluctant to take such a step.

FRIEND OF COURT

The United States could come into the case as a friend of the court—as it did last year—and move to enjoin trouble makers. But the Eisenhower administration has taken the position that it should not push integration in any way, leaving private parties to move in the courts.

President Eisenhower said repeatedly last year that he sent troops to Little Rock not to enforce integration but to uphold the federal courts. Whether he will approve any Justice Department proposal to head off mobs by injunctions remains to be seen.

Arkansas' two Democratic senators were critical of the eighth circuit decision Monday night.

CALLED TRAGIC

Sen. McClellan said it was "tragic that the Court of Appeals has wholly disregarded the welfare of both races and the will of the people in overruling the decision of the district court."

He said the court had overlooked conditions in Little Rock caused by "the erroneous and unjust decision of the Supreme Court and, second, by the unwise, indiscreet and illegal actions that have been perpetrated against the Little Rock community."

Sen. Fulbright said: "I deeply regret the court's decision. It presents the people of Arkansas with a very unhappy situation, and I am very unhappy about it."

The represntative from the Little Rock area, Democrat Brooks Hays, also called the decision "regrettable."

POSES PROBLEM

"It poses a difficult problem for the school board and the community leadership," he said, "but their resources are great and we can hope that a solution will be found." Hays made an unsucessful attempt to act as peacemaker in the Little Rock situation last fall.

The language of the Eighth Circuit opinion, by Judge Marion C. Matthes, was viewed as extremely strong by lawyers here. They said that—barring the unlikely prospect of a Supreme Court reversal—it should reopen the way toward school integration in the South.

The general opinion had been that Judge Lemley's order, if affirmed, would have brought an effective end to all efforts at enforcement of the Supreme Court decision in the "Deep South." In effect, it said physical resistance to a court order justified its suspension.

Judge Matthes dismissed that view Monday in the following firm words:

"We say the time has not yet come in these United States when an order of a federal court must be whittled away, watered down acts of individual citizens and opposition thereto."

There was no formal Justice Department comment Monday evening. But there is some belief that the department will give at least some clues in advance to its plans for action in the event of more trouble at Little Rock next month.

or shamefullly withdrawn in the face of violence and unlawful

Gov. Faubus To Summon Legislature

LITTLE ROCK, Ark. (UPI) — A source close to Gov. Orval E. Faubus' administration said Monday that Faubus will call the Arkansas Legislature into special session before the end of the week to consider anti-integration legislation.

Faubus went into consultation with his advisers as soon as he received word that the Eighth U.S. Circuit Court of Appeals in St. Louis had rejected a U.S. court's order for temporary suspension of integration of Central High School.

The source said the Legislature will consider a school-closing plan of some type. He said letters summoning the Legislature into special session have been prepared for "several" weeks.

They need only the date of the call and the date the letters are mailed out. It will take two or three days to get the letters out and five days to pass the legislation.

'Cooling Off Period' Of Judge Overruled

ST. LOUIS (AP)—The Eighth U.S. Circuit Court of Appeals Monday set aside a district judge's order which would have suspended integration in the Little Rock Central High School for 2½ years.

The 6-1 decision came just 16 days before the scheduled reopening Sept. 2 of the school where integration was enforced by troops last year.

The decision reversed the ruling of U.S. District Judge Harry J. Lemley of Hope, Ark., who, at the school board's request, had suspended integration at Central to allow for a "cooling off period."

Senate confirms W. Wilson White to civil rights post over Southern protest. Story on Page 3.

Only Chief Judge Archibald K. Gardner of Huron, S.D., dissented in the case which the majority opinion pointed out could have far-reaching affect on school integration in the South.

Judge Marion Matthes of St. Louis, who wrote the majority opinion, said the issue boiled down to whether public resistance, including mob violence, constituted sufficient cause "to nullify an order of the federal court directing the (school) board to proceed with its integration plan."

"We say that the time has not yet come in these United States when an order of a federal court must be whittled away, watered down or shamefully withdrawn in the face of violent and unlawful acts of individual citizens . . ." Judge Matthes wrote.

Judge Gardner, at 90 the oldest active federal judge in the nation, said he felt the Little Rock school board had acted in good faith and that Judge Lemley had based his decision "on realities and conditions, rather than theories."

In Little Rock, Virgil Blossom, the superintendent of schools, called the appellate court's ruling a "disappointment," and added that from the first the school board had planned to appeal to the Supreme Court in event of a reversal.

FAUBUS PLAN?

Judge Matthes said that delay of integration at the high school would amount to an "open invitation" in other school districts to oppose integration with violence.

Judge Matthes, 52 and the youngest member of the court, was joined in the majority opinion by Joseph W. Woodrough of Omaha, John D. Sanborn of St. Paul, Harvey M. Johnsen of Hastings, Neb., Charles J. Vogel of Fargo, N.D., and Martin D. Van Oosterhout of Orange City, Iowa.

The ruling shifted the spotlight in the case back to Little Rock and to Gov. Orval E. Faubus of Arkansas. He has said he had an alternate plan in mind to fight integration if Judge Lemley's order was reversed.

On the eve of integration last year Faubus ordered out the Arkansas National Guard and told them to keep nine Negro students out of the high school. The nine had been selected for the start of what was called gradual integration of the Little Rock schools.

MOB VIOLENCE

Faubus withdrew the Guard under orders of U. S. Dist. Judge Ronald A. Davies. Mob violence broke out at the school the next day and President Eisenhower sent federal troops to Little Rock to enforce the integration.

In all, the nine Negroes missed three weeks of classes. Since the integration began, one Negro was expelled and another was graduated last spring. Seven of the Negroes are eligible for the start of the fall term.

Faubus recently won the Democratic nomination for a third term. He called his overwhelming majority a mandate to continue his fight against integration. In Democratic Arkansas his renomination virtually means election.

At the time of the Lemley order, he said the Little Rock Negroes 'would do well to accept" it. He termed the order "peaceful interlude."

The National Association for the Advancement of Colored People immediately appealed the Lemley decision. It asked the Supreme Court to bypass the Court of Appeals here because of the fast approaching fall school term.

The Supreme Court refused but it did remind the appeals court of the need for haste. The decision came exactly two weeks after the court heard the arguments.

Judge Gardner stressed the importance of the case by calling together all seven judges to hear it. Generally only three hear an appeal. This was the second time in 30 years that the full court had been convened.

NO RELIEF

Judge Matthes in the maojrity opinion said it was not up to the appeals court to tell the Little Rock school board how to carry out integration but he did note: "That at no time did the board seek inunctive relief against those who opposed by unlawful acts the lawful integration plan, which action apparently proved successful in the Clinton, Tenn., and Hoxie, Ark., situation."

Judge Matthes held that trouble at the school might have been stopped had leaders of white trouble makers been dealt with more severely.

"An impossible situation could well develop if the district court order was affirmed," Judge Matthes said, adding that every school district would have just cause to ask for delay and suspension of integration programs.

Judge Matthes said there was no legal precedent as to whether an integration plan might be lawfully suspended because of popular opposition but he wrote there is "sound and convincing authority" that a school board must "procede with deliberate speed to abolish segregation."

Schools Get Discretion On Raises

By BRUCE GALPHIN

School systems already paying their teachers more than state minimums can use recently approved salary allotments as they see fit, the State Board of Education decided Monday.

The action was a reversal of a policy established last month. It could affect 40 school systems. It will give the Atlanta School Board discretion about $245,000 or more.

The state board also decided to require that all pupils entering first grade be six years old by Sept. 1 of the year they enroll.

IN EFFECT IN 1959

This age limitation would go into effect in 1959, but the board said it might relax the rule in cases where psychological tests prove younger children capable of first grade work.

Changing the regulation on salary allotments was requested by members of the Atlanta Board of Education.

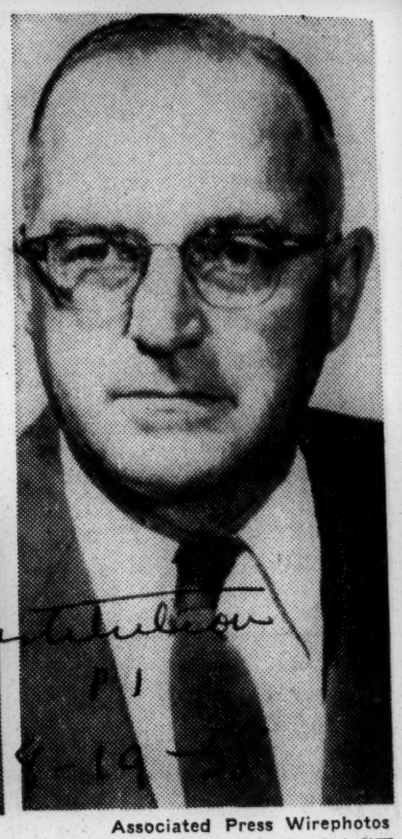
Atlanta board members explained that several years ago Atlanta moved to raise its teachers' salaries above levels prevailing throughout most of Georgia. Now that the rest of Georgia is catching up, Atlanta is in a financial squeeze trying to keep its salaries so high above state levels, they said.

SOME ELASTICITY

Atlanta board chairman A. C. (Pete) Latimer told the state board that the city is spending about twice as much as Minimum Foundation requirements for its school program. And he said Atlanta is taking care of the bulk of the state's soil bank refugees.

Board member Jim O'Callaghan said the state board's new rule will give the Atlanta board "some elasticity" and said Atlanta will try to pass on as much of the recently approved state raises as possible.

State board member Henry Stewart of Cedartown commented that "if any teacher's salary is reduced, it will be as a result of action of local boards, not the state board."



Associated Press Wirephotos

THEY DIFFERED ON LITTLE ROCK SCHOOL CASE

Chief Justice A. K. Gardner — *Judge Marion C. Matthes*

Associated Press Wirephoto

NEXT MOVE HIS

Gov. Faubus

All Enacted Since 1954

196 New Segregation Laws Blanket Deep South

NASHVILLE, Tenn.—Southern states have enacted a total of 196 school segregation laws since the United States Supreme Court's 1954 decision, Southern School News reported this week.

These include 21 laws adopted this year by five state assemblies.

In all, 11 states now have adopted segregation legislation.

The five which have taken action during the year are Georgia, Louisiana, Mississippi, South Carolina and Virginia. All previously had passed measures of one sort oranother.

The other six with anti-integration laws adopted since 1954 include Alabama, Arkansas, Florida, North Carolina, Tennessee and Texas.

Continued P. 6

The assemblies of Louisiana, Mississippi and Virginia this year enacted laws providing for closing public schools faced with desegregation. Georgia took cognizance of this possibility by revising its compulsory attendance statute.

Alabama, North Carolina and South Carolina already had taken school-closing action, making a total of seven states with similar laws.

Southern School News made a new tabulation showing a total of 777 desegregated districts and 2,122 still segregated in Southern and border state public schools. This represented an increase of seven—all in Oklahoma—since last month's tabulation.

Other major developments by states:

Pat. 8-16-58

ALABAMA—The first serious challenge to Alabama's public school segregation may be ruled on by the U. S. Supreme Court in October.

Pittsburgh Courier

ARKANSAS — Representative Brooks Hays, a moderate, defeated a segregationist opponent in the same primary in which Governor Faubus won.

DELAWARE—The Third Circuit Court of Appeals granted the Delaware Board of Education time to appeal to the U. S. Supreme Court a court order to formulate a general desegregation plan.

FLORIDA—The University of Florida made preparations to receive its first Negro students at the fall term opening. University offcials predicted desegregation would be accomplished without disorder.

KENTUCKY—Governor A. B. Chandler demanded the resignation of the state superintendent of public instruction following announcement the education official would manage the campaign of a gubernatorial candidate. The superintendent, Dr. Robert R. Martin, said he would not resign.

LOUISIANA — Governor Earl K. Long signed five new school segregation bills. They give him, among other things, power to shut down schools and sell the buildings to private groups rather than permit desegregation.

MARYLAND — Both Democratic and Republican campaign platforms call upon all Maryland counties to comply with the Supreme Court's school desegregation decision. With the new school year, Baltimore County will integrate teachers.

MISSISSIPPI — A legislative committee opened its inquiry into the NAACP.

MISSOURI — U. S. District Judge Roy W. Harper at St. Louis handed down a memorandum opinion indicating a decision would be against eight Negro teachers who went to the courts after losing their jobs in the desegregation of the Moberly schools.

TENNESSEE—The president of Memphis State University said Negro applicants—number undetermined — had passed pre-entrance exams and probably would be enrolled as students for the first time this fall.

TEXAS—No new desegregation was planned in the state for the fall, but several districts announced plans for extension of existing programs, including Austin which will integrate its ninth grade.

VIRGINIA — "Massive resistance" versus Federal authority is expected to come to a showdown in Virginia with the opening of the fall school term.

WEST VIRGINIA—The state school superintendent announced a new program to be inaugurated this fall to create better understanding among the races on school desegregation.

COURT UPHOLDS GIRARD COLLEGE TRUSTEE PLANS

PHILADELPHIA, Jan. 24 (AP) — The Pennsylvania Supreme Court today upheld the naming of private trustees by Girard College to carry out Stephen Girard's wish that the school be attended by "white male orphans" only.

The state's highest court, in a 4-1 ruling, sustained a decision last October of Philadelphia's orphans' court.

The ruling held that the school, founded with money left by Girard—colonial Philadelphia merchant prince—could continue to operate under the terms of Girard's will.

Attorneys representing two Negro boys had sought to obtain a court ruling that their clients had to be granted admission to the school because the Board of City Trusts, a semi-official agency, was serving as school trustee.

The orphans court had acted after the U.S. Supreme Court held the school here could not bar Negro students without violating the 14th Amendment of the U.S. Constitution.

The lower court then replaced the Board of City Trusts with a private board of 13 members. The Board of City Trusts continues to administer the school pending outcome of the present litigation.

12d 1958

Sports Segregation Law Killed By Court Ruling

NEW ORLEANS (AP)—A federal court ruling with far-reaching effects Friday knocked out a Louisiana law banning sports competition between white and Negro athletes.

The law, passed by the state legislature in 1956, prevented mixed boxing matches and teams with Negro players from meeting all-white squads in events such as the Sugar Bowl.

Although not concerned in the case filed by Negro boxer Joe Dorsey, the Sugar Bowl could be the chief beneficiary of the ruling.

The Sugar Bowl has been searching for an opponent for top-ranked Louisiana State in the New Year's Day football game. The sports segregation law narrowed the field to a handful of teams.

The Air Force Academy, ranked eighth in this week's Associated Press poll, was the choicest plum for the Sugar Bowl. But like the other service academies—Army and Navy—the Air Force frowned on the sports segregation law and all but eliminated itself from consideration.

Although he declined comment on the ruling pending a consultation with attorneys, Sugar Bowl President Claude "Monk" Simons did not eliminate the Air Force as a possibility. Persistent reports during the week all but had Clemson in the other corner to face unbeaten LSU in the post-season classic.

Louisiana Atty. Gen. Jack Gremillion, when informed of the ruling, said it was his mandatory duty to file an appeal.

The court, however, also tossed a stumbling block at the state by issuing an injunction preventing further enforcement of the law.

Judge John Minor Wisdom of the U. S. Fifth Circuit Court of Appeals and District Judges Herbert Christenberry and J. Skelly Wright signed the ruling. It dealt only with mixed athletic competition and did not touch segregated seating at sports events and other phases of the segregation law.

Dorsey filed the suit last year, contending his career was being jeopardized by the law. The statute also prevented lightweight champion Joe Brown, a Negro, from defending his title against Ralph Dupas here last May. Both are from New Orleans and boxing promoters said the bout would have drawn the largest gate in local ring history. The bout was held in Houston, Tex.

With regard to the Sugar Bowl, Gremillion said as far as he was concerned, "There was and is nothing to prevent the Air Force Academy from being invited and from accepting.

"The only deterrent might be the possibility of minority groups like the National Assn. for the Advancement of Colored People, putting pressure on high officials in Washington. But if the Air Force wants to play the No. 1 team in the country they will resist that pressure."

12d 1958

MAGAZINE POLLS FEDERAL JUDGES

Asks All on Lower Benches for Views on Report That Criticized High Court

Special to The New York Times.

WASHINGTON, Sept. 30—A national magazine has written all the lower Federal judges in the country to ask their opinion of a report criticizing the Supreme Court.

The report involved was adopted Aug. 23 by a 86-to-8 vote of the Conference of State Chief Justices. It said among other things that the Supreme Court in some areas "too often has tended to adopt the role of policymaker without proper judicial restraint."

Within the last few days the magazine U. S. News & World Report has sent copies of the report to every judge in the Federal District and the Courts of Appeals. It asked them to say whether they "agree" or "disagree" with its conclusions.

So far, the reactions of judges and other interested lawyers have varied from indignant to indifferent.

'Dear Judge'

In a letter from the magazine, addressed "Dear Judge," the recipients were asked to "cooperate with us in a survey we are undertaking." It was signed by Carson F. Lyman, managing editor.

"We are endeavoring to find out how many of the judges in the Federal courts would agree or disagree with the conclusions of the report," Mr. Lyman wrote.

"We would appreciate your marking the enclosed form and [illegible] judge said he saw no impropriety in a member of the bench's answering the poll. He said there would be some difficulty giving a "categorical" answer on the merits of the report but said that he thought the magazine would get a "substantial" response.

Response Called 'Stupid'

A highly placed observer outside the courts, with much experience in such matters, said he would be surprised if more than a quarter of the country's Federal judges responded. He said that it might not be "wrong" for a judge to answer, but that it would be "stupid."

"If you want to be a judge," he said, "you give up your right to express your views on such questions. It seems wrong to me to poll judges on what other judges do.

"I say, if you want to criticize the Supreme Court, run for Congress."

This observer added that the strength of the courts lay in the respect individual judges received. "If they start throwing brickbats at each other," he said, "we're in trouble."

Neither Mr. Lyman nor the editor of U. S. News, David Lawrence, would comment.

12d 1958

High Court Reaffirms Rights Of Dixie Negroes

Also Rules In Favor Of Individual In Citizenship, Union Cases

WASHINGTON, May 26 (UPI) —The Supreme Court today reaffirmed the right of Negroes in the South to serve on grand juries, ride on unsegregated buses, and attend integrated public schools.

In an opinion day featuring several civil rights decisions the court also ruled in favor of the individual in cases involving picketing, U. S. citizenship, and union membership.

In one case, the high court unanimously set aside the four-year-old murder conviction of a New Orleans Negro on grounds that Negroes were systematically and illegally excluded from the grand jury that indicted him.

The decision meant a new trial for Freddy Eubanks, who was condemned to death for the slaying of Mrs. Mabel Clarkson, an elderly white woman. The court stayed his execution last June to hear his appeal.

In two other cases the high court rejected appeals from New Orleans city authorities from court orders banning segregation in street cars and buses and in the public schools. The court acted in brief orders without any written opinion.

In other civil rights decisions, the high court:

—By a vote of 5 to 3, restored the U. S. citizenship of two foreign-born Detroit residents accused of concealing Communist affiliations during naturalization proceedings. The two were Polish-born Stanislaw Nowak, a former state senator, and Rebecca Maisenberg, a native of Russia.

—Ruled 6 to 2 that Marcos Gonzales, a San Francisco machinist, had a right to sue in state court for reinstatement in the International Association of Machinists which, he contended, unjustifiably expelled him in 1950.

In the New Orleans murder case, the high court sustained Eubanks' argument that Negroes were systematically excluded from grand jury service in Orleans Parish (county) in violation of his constitutional rights.

Justice Hugo L. Black, who spoke for the court, said "We are reluctantly forced to conclude" that the lack of Negroes on the jury did not stem from accident, chance, or the failure of Negroes to qualify for jury duty.

"It seems clear to us," he added, "that Negroes have been consitently barred from jury service because of their race."

He emphasized Eubanks would not necessarily go free because the state "may indict and try him again by the procedure which conforms to constitutional requirements."

In other decisions, the high court:

—Agreed to reconsider its 4-to-4 decisions last Jan. 6 upholding the convictions of Lovander Ladner of Biloxi, Miss., and Alphonse Bartkus of Chicago. Bartkus was convicted of bank robbery and Ladner of assaulting two federal agents.

—Left standing a Texas state ruling that California cannot force a Texas resident to pay for the care of his indigent mother in a California state hospital. The case involved Dale W. Conus of Dallas, Tex.

COURT-CURB BILLS MAY GO TO SENATE

Committee Backs Measure on State Sedition Laws— 2d Proposal Advances

BY C. P. TRUSSELL

Special to The New York Times.

WASHINGTON, Aug. 1—Two bills designed to offset Supreme Court decisions made further progress in Congress today. It appeared that the proposals had at least an even chance of getting through before Congress adjourned.

One bill, designed to return to the states their right to enforce their own laws against alleged sedition and other subversive activities, was approved by the Senate Judiciary Committee.

The other, which would liberalize the time in which a Federal prisoner might be held before arraignment, moved closer to a final decision by the committee.

The bill on state subversive laws arose from a Supreme Court ruling in the Steve Nelson case.

Pre-emption Asserted

Nelson, a Communist leader, had been convicted under the Pennsylvania sedition law. The court held that Federal Smith Act, directed against subersive activities throughout the United States, had pre-empted the claim of states to prosecute under their own laws.

The court also held, in effect, that Nelson might have plotted against the United States but not against Pennsylvania in particular.

The bill on detention of Federal prisoners concerned the Mallory case. In this instance Andrew Mallory, an accused rapist, confessed after having been held for seven-and-a-half hours by the police before he was arraigned. He was senteneed to death, but was freed by the Supreme Court decision.

The high court held that his detention and questioning had gone beyond the rights guaranteed a suspect before arraignment.

In this case a Senate Judiciary subcommittee amended the House-approved bill to provide that detention before arraignment should not be more than "reasonable." A full committee decision on this recommendation is expected next Monday.

At principal issue today, however, was the bill dealing with the privilege of the states to enforce their own anti-subversive laws. The full committee voted, 8 to 4, to recommend for floor decision a bill sponsored by Senator Styles Bridges, Republican of New Hampshire.

The Bridges bill confines itself to giving the states the right to enforce their own laws dealing with subversive activities.

The House adopted this by a vote of 241 to 155 on July 17. But the House added to it provisions that opponents said would exapnd the authority of state laws to such movement of natural gas, interstate commerce, the regulation of labor relations, water power control admittance of aliens, and activities in many other fields.

May Offer Amendments

The senate panel rejected those provisions, but it agreed to permit individual members of the committee to support an amendment on the Senate floor to include them.

Senator James O. Eastland, Democrat of Mississippi and chairman of the committee, said he would appear before the Senate Democratic Policy Committee next Tuesday to urge the bill be taken to the floor before the current Congress adjourned.

As the Bridges bill cleared the committee today, it contained only one change from the text approved by the House. The committee struck out a provision that past state laws could not be pre-empted by Federal law unless Congress had so stated, or unless state and Federal statutes were found in such conflict that they could not be reconciled.

The Senate committee decided that state law would be wholly enforceable unless a future Federal law specifically pre-empted a state statute or was in irreconcilable conflict with it.

IKE CITES DUTY TO OBEY RULING

Urges Compliance with Integration Decision

By DOUGLAS B. CORNELL

WASHINGTON (AP)—President Eisenhower said Wednesday it is the duty of all Americans to comply with the Supreme Court's school integration rulings.

"Any other course, as I have said before," Eisenhower said in a news conference statement, "would be fraught with grave consequences to our nation."

The President didn't spell out the extent to which his administration might go in backing up the Supreme Court's decrees.

Eisenhower hadn't held a news conference since Aug. 7 — five weeks ago.

RUDDY AND ROBUST

Looking ruddy and robust after a vacation at Newport, R.I., Eisenhower walked through a drizzle from the White House to the news conference room in a building across the street.

At the start, he volunteered three brief announcements:

He is going to Walter Reed Army Hospital this weekend—not because of any new illness but for his annual checkup.

This was National Day of Prayer and he hoped newsmen would remind the people of it. The President and Mrs. Eisenhower attended services later at National Presbyterian church.

The atomic-powered submarine Seawolf "has now been submerged continuously for 54 days and is still going strong." The old underwater record was 31 days.

Opening the session to questions, Eisenhower got them on all sorts of topics:

ADAMS—There have been conflicting reports that he asked Republican National Chairman Meade Alcorn to ask for the resignation of Sherman Adams, and that Adams resigned voluntarily.

"I did not instruct anyone to ask for a resignation," Eisenhower said. "He did resign voluntarily."

Adams has contended he did no wrong in accepting gifts from Boston industrialist Bernard Goldfine or in inquiring at federal agencies about Goldfine's troubles with the government.

WHITE HOUSE—Probably, the President said, he has been guilty of not making some things clear. So he probably will get out an organization chart so that people can see just how problems and questions come to the White House, what individuals are responsible for studying them, and what ones will come before him.

The final yes or no still is up to him, he said. But in the preliminaries, he said, it just isn't possible for the President to participate in everything.

POLITICS—Told that some Republicans seem resigned to taking a drubbing in the November election, Eisenhower said he has "heard these reports about apathy and about sitting on hands and complacency" and to his mind it is incomprehensible.

PRAISES RECORD

His administration elected six years ago, he said, has been dedicated to moderate government, avoiding extremes, staying in the middle of the road and "out of the gutters." He appraised the record of those six years as remarkably good and said he didn't see how anyone of like persuasion "can possibly be anything but enthusiastic about his hopes of perpetuating that kind of effort through the medium of elections."

Moderate governmenet is going to be lost, with incalculable consequences, Eisenhower predicted, unless Republicans dedicated to it help out with time, effort, brains and money. In Maine, where the GOP took a shellacking in last month's election, he said, Republicans would have won if Republican voters had voted instead of staying away.

RIGHT-TO-WORK—Eisenhower took a neutral stance on right-to-work laws or state constitutional amendments which figure in the political campaigns in half a dozen states. Such laws are designed to forbid requiring workers to join a union in order to get or keep jobs.

"I believe it's the state's business," Eisenhower said, "and I'm not going to get into it.'

And he cut off sharply and with some heat a reporter who tried to press him on the question.

SPUTNIK—Almost a year after the Soviet Union's launching of the first earth satellite, Eisenhower praised the scientific achievement. But he said this country also has "constructed a very steep curve of accomplishment" in missiles and has "the biggest, strongest, finest body of scientists amply armed with money to do the job."

QUERY ON SCHOOLS

The news conference questioning started off with one on whether the President feels public schools closed by the Arkansas and Virginia governors "should be reopened immediately on an integrated basis, without their being forced into it by new moves of the federal government."

Eisenhower didn't answer that specifically. He pulled out his glasses, read a two-paragraph statement then said a number of integration cases still are before the courts and he would have nothing more to say until they were decided.

The statement said the Supreme Court once more had spoken unanimously on the question Monday and: "It is incumbent upon all Americans, public officials and private citizens alike to recognize the duty of

complying with the rulings of the highest court in the land."

Eisenhower spoke of equal justice under law and said Americans must be faithful to their constitutional ideals.

"As one nation," he said, "we must assure to all our people, whatever their color or creed, the enjoyment of their constitutional rights and the full measure of the law's protection."

Supreme Court Opens Session

Frankfurter Asks Constructive Use Of Time In Mixing

'CUSTOMS MUST YIELD'

By JOE F. KANE
Associated Press Staff

WASHINGTON, Oct. 6. — Supreme Court Justice Frankfurter said Monday that to bow to force and grant an integration delay in Little Rock's Central High School would be to enthrone official lawlessness.

Lawlessness if not checked, he added, is the forerunner of anarchy.

But Judge Frankfurter asked for a constructive use of time in school integration in general.

"Local customs, however hardened by time, are not decreed in heaven," Mr. Frankfurter said. "Habits and feelings they engender may be counteracted and moderated.

Lengthy Opinion

"Experience attests that such local habits and feelings will yield, gradually though this be, to law and education."

Mr. Frankfurter issued a lengthy opinion of his own concuring with the unanimous decision by the court last Monday against further delay in integrating the Little Rock school.

The court last week said the states could not avoid integration by evasive schemes and declared the court's interpretation of the Constitution is the supreme law of the land.

The process of ending the unconstitutional barring of Negro children from public schools, Mr. Frankfurter said, "is not an easy, overnight task in a few states where a drastic alteration in the ways of communities is involved," he added.

"Deep emotions have, no doubt, been stirred. They will not be calmed by letting violence loose—violence and defiance employed and encouraged by those upon whom the duty of law observance should have the strongest claim—nor by submitting to it under whatever guise employed.

No Timetable

"Only the constructive use of time will achieve what an advanced civilization demands and the Constitution confirms."

The Supreme Court has never set up a timetable for school integration, although in a 1955 ruling it said the integration should be carried out with all deliberate speed.

Commenting on the use of the state militia last year during Little Rock's school integration crisis, Mr. Frankfurter said:

"The tragic aspect of this disruptive tactic was that the power of the state was used not to sustain law but as an instrument for thwarting law.

"The State of Arkansas is thus responsible for disabling one of its subordinate agencies, the Little Rock School Board, from peacefully carrying out the Board's and the state's constitutional duty."

Mr. Frankfurter said that to withhold support "and indeed to use political power to try to paralyze the supreme law, precludes the maintenance of our Federal system as we have known and cherished it for 170 years."

He said criticism of the Supreme Court's rulings need not be stilled but active obstruction or defiance is barred.

Lawyers Admitted

Frankfurter's opinion was not handed down during the 20-minute session which opened the fall court term. It was released after the session which was devoted to admitting 53 lawyers to practice before the High Court.

The court's docket of nearly 700 cases includes a wide variety of issues, including major cases in both racial and business fields.

Also on appeal is a challenge to three of Virginia's 1956 laws directed against the National Association for the Advancement of Colored People. A special three-judge Federal court in Richmond held the statutes unconstitutional.

Still another case challenges a Tennessee law requiring racial segregation on street cars and buses. However, a court threw out the case on grounds that the Negro complainant was not a regular bus user and boarded the vehicle merely to establish a basis for a lawsuit.

The Court's Decision

The Supreme Court met its test well yesterday, and, by its decision against any delay in integrating Central High School in Little Rock the court has in turn posed a test before our people and our Government.

One aspect of that test is the issue stressed in President Eisenhower's statement yesterday. Is our nation to be an orderly democracy based on respect for the law, or are we to descend to the "anarchy" that the President pointed out must follow defiance of the Supreme Court and of the system of law that court represents? Disrespect for the law and the courts on one issue breeds disrespect for these institutions on all issues.

A second aspect of the test before us arises from the fact that the drama of the integration struggle in Little Rock and elsewhere is being played on a stage which the whole world watches.

Finally, and perhaps fundamentally most important, there is the moral aspect of the test. We understand the deep emotional forces—born in a tangled and complex history—that lie behind the opposition to integration and therefore to the Supreme Court's decision. But are we not all—regardless of color, race or religion—subject to a higher moral law? Can any of us have full human dignity if we deny full human dignity to any of our fellow men?

The Supreme Court, in 1954, in 1955, and again yesterday, spoke in response to the moral imperatives implicit in the highest ideals of our civilization. Is it too much to hope that in the situation now created we shall meet the test with a response based on tolerance, understanding and compassion rather than on hate, anger and passion? The measure of our worth, as a nation and as a people, will come in the answer that the days ahead will give to this question. So far the response from Arkansas has been most regrettable and disappointing.

Supreme Court Again Bans Park Segregation

WASHINGTON, D.C. — (NNPA) — The Supreme Court Monday reaffirmed its decisions that municipal and state agencies may not bar colored persons from using public recreational facilities.

In a four-word sentence the Court upheld the judgement of the Fifth United States Court of Appeals affirming the decision of the federal district court in New Orleans that colored persons cannot be denied the use of the golf links in the New Orleans City park.

The four-word sentence simply read: "The judgement is affirmed."

The New Orleans City Park Improvement association had asked the Supreme Court to review the decision of the court of appeals.

Without hearing oral arguments, the high court acted on the petition for a review by affirming the judgement of the lower courts.

The case arose in November 1949, when Mandeville Detiege and the Crescent City Golf club filed suit in the district court against the New Orleans City Park Improvement association, a municipal corporation and an agency of the state of Louisiana.

The plaintiffs asked for a declaratory judgement and a permanent injunction forbidding the park improvement association from denying colored persons the use of the New Orleans City Park and its facilities, including the golf links, the tennis courts, stadium, picnic grounds, and boating, on the same basis as white persons.

The court granted summary judgement on May 15, 1957, declaring that all state statutes and municipal ordinances which would deny facilities of City Park to colored people solely because of color were unconstitutional. A permanent injunction was issued.

On appeal, the park improvement association took the position that the court of appeals should ignore the Supreme Court decisions in an Atlanta golf course case and a Baltimore park case because they were based on psychological considerations which did not apply in the New Orleans case.

The court of appeals said: "Whatever may have been the basis of the Supreme Court's decision in the Atlanta and Baltimore cases, they were nevertheless decided on identical issues that are presented here, and they are, of course, binding on us." It held that the appeal was without merit.

The park improvement association told the Supreme Court that the Court of Appeals should have dismissed the case for lack of jurisdiction because of an amendment to the Louisiana constitution withdrawing the consent of the State to suits against state and municipal boards having control over schools and recreational facilities.

12d 1958

Bar Group Denounces All Moves To Curb High Court

The National Bar Association ended its four-day annual convention here on two topics of extreme urgency.

In strongly-worded resolutions, the lawyers condemned action by groups dedicated to restricting the rights and freedoms of Americans.

The first resolution was directed against special interest legislation which would leave persons convicted in state courts no access to U. S. Federal Court appeal.

Such a right of appeal is especially important in the South where, in addition to all the traditional devices massed against the Negro citizen, 196 new anti-integration statutes have been enacted.

The legal group termed such proposed laws as "dangerous assaults, not only upon the federal courts and their century old power and authority to issue writs of habeas corpus, but also threats to the civil liberty and freedom of every American, black and white alike."

Under Title 28 of the U.S. Code, persons convicted of crimes in state courts and denied their federal contitutional rights, may petition the U.S. District Court for a hearing. Under the proposed law (H.R. 8361, recently defeated in the 85th Congress) the judgments of state courts would be final.

Four powerful groups have supported such legislation in the past; the Conference of Association of Chief Justices, the Association of Attorney Generals, the Judicial Conference of the United States and the U.S. Department of Justice.

The non-government groups are controlled and directed largely by southern members.

The NBA asked that all organizations and citizens withdraw their support of such proposed curtailment of the powers of the federal courts and to denounce "these attempts to deprive the people of their ancient remedy and privilege of the writ of habeas corpus."

More Racial Cases Face Supreme Court

By HOWARD SUTTLE
Daily News Washington Bureau

WASHINGTON — There are only about 90 years left, of the "century of litigation" predicted by Mississippi's Sen. James O. Eastland, on the segregation issue, when the Supreme Court handed down the Black Monday decision, in May 1954.

And as the U. S. Supreme Court opened its fall term, the tribunal faced an even dozen cases, appealed from lower courts by individuals or groups who are working, either pro or con, on the issue of racial mixology.

There were, of course, indications that the high court might speed up things and make a poor prophet out of Eastland by trying to settle the issue in less than a century — say about 75 or 80 years.

The nine black-robed men who have already usurped the prerogatives of Congress to legislate might even more the deadline up to a half-century by ruling on cases even before they reach Washington on appeal.

CAN'T LEASE SCHOOLS

A practice of ruling on cases before they reach the tribunal was started a few days ago, when the justices solemnly stated that public school buildings could not legally be leased to private operators for use by segregated classes. The court propounded this ruling, despite the fact that the issue of leasing public school buildings for private, segregated operation had not yet reached it.

The 12 cases now on appeal are, of course, just a few of the many expected to reach the high tribunal during its 1958-59 deliberations. A number of others pending in the lower courts will finally reach Washington. And still others, resulting from determination by state and local authorities to maintain the constitutional right to operate public schools under state jurisdiction, will continue to flood the Supreme Court docket.

The justices no doubt will devote immediate attention to an appeal by Arkansas' Gov. Orval Faubus, who contends a lower court injunction against use of the National Gurrd to preserve segregation at Little Rock's Central High School in invalid. Faubus further maintains Federal Judge Ronald Davies acted without authority in issuing the injunction and the Justice Department had no right to request Davies to take the action.

NAACP APPEALS

Also slated for apparent priority consideration are appeals by the NAACP on three Virginia laws (cases in which the NAACP is interested usually get top priority). The Negro organization contends the laws, seeking to obtain information concerning its membership and activity in Virginia, violate constitutional equal protection and due process guarantees.

The state of Alabama contends, in another case, that her school placement act is valid, in that it sets up a system for admission of qualified students on a merit basis, without regard to race.

A group of New York Negroes has asked the court to rule that white tenants of an apartment house be barred from intervening in a state court case in which a landlord has been ordered to rent to Negroes.

The state of North Carolina requests validation of her literacy test as a prerquisite to voting, on grounds that the test applies to all persons who desire to register, regardless of race.

ATTACK BUS MIXING

The Memphis Street Railway Company and the City of Memphis are contesting the right of a Negro to sue to bar enforcement of a Tennessee bus segregation law because the Negro failed to show any legal injury to himself.

Negroes seeking to enter college in Louisiana are appealing from a state law that requires applicants to present certificates of eligibility and good moral character. They maintain the requirement violates their constitutional rights.

Negroes in Louisiana are also trying for a Supreme Court ruling that operators of public parks in New Orleans must allow them to use golf courses and other recreation facilities, now operated on a segregated basis.

In an appeal from a contention by the Delaware Board of Education that desegregation plans must be worked out by local school boards, the NAACP asks for an order directing the state board to prepare a desegregation plan to be followed by local boards.

Gore Favors Portion Of Bill Curbing High Court's Powers

WASHINGTON (AP)—Sen. Albert Gore (D-Tenn) said Wednesday he favors part of a proposal aimed at curbing the Supreme Court's powers but opposes its retroactive provisions.

He referred to a bill by Rep. Howard Smith (D-Va) aimed at preserving state laws in fields also covered by federal laws.

The bill was passed by the House this year but was shelved in the Senate last week by a one-vote margin. It undoubtedly will be introduced in Congress against next year.

Gore, in a letter inserted in the Congressional Record appearing Wednesday, told a constituent he believes it is "basically sound for Congress to proceed to protect its legislative prerogatives from undue encroachment by the judiciary through court construction of legislative intent, if general application is confined to future legislation."

"This," he said, "is particularly true with respect to the doctrine of preemption."

Gore's letter — written before the Senate laid aside the Smith Bill, with Gore voting against this action—said he was prepared to support the part of the bill with respect to legislation enacted in the future.

But he described the retroactive provision as "unsound."

"The more this provision and its effect were analyzed and debated the more unsould it appeared. and the less support it had in the Senate," he said.

"I think it would be quite unwise and unsettling to pass a seemingly simple bill which deals retroactively with all existing law."

Gore said evidence indicated the bill, if enacted, would unsettle existing law in interstate commerce, marketing of farm products, and the inspection of food products, drugs and chemicals under federal and state laws.

This part of the proposal, he said, "would be like leaping backward in the dark."

Court Flayed By Sparkman

Sen. John Sparkman said Friday night he was "confident" the 86th Congress would push for legislation to curb the acts of the U.S. Supreme Court and restore states rights.

The junior senator from Alabama made the statement to 85 members and guests of the Alabama Motel Assn. fall convention attending a banquet at the Whitley Hotel.

"The court's encroachment on legislation which belongs to congress has alerted the country to the fact that the 10th amendment is being strongly violated," Sen. Sparkman said.

The 10th amendment states that powers not expressly delegated to the United States by the Constitution, nor prohibited it by the states, are reserved to the states respectively, or to the people.

He said a recent 31-page report by the executive committee of chief justices from 20 states was a "scathing indictment of the United States Supreme Court."

Sparkman, speaking as a member of the foreign relations committee, said the U.S. must lead the world in the crisis of international complications and gain the trust and respect of other nations.

Atty. Gen. John Patterson, governor nominate, will speak to the group Saturday night. Also to be guests of the convention are the attorney general's brother, Maurice Patterson, and Alabama Sen. Sam Englehardt and their wives.

Dr. J. L. Blakefield, public relations director of Liberty National Life Insurance Co., will be the principal speaker at the closing banquet in the Whitley Hotel. He will speak on "Today's Environments."

At a luncheon Saturday at 1 p.m. in Holiday Inn, Mark Gable, manager of Whitley Hotel, will discuss Alabama hotel laws, and W. B. Pfeiffer, manager of the

Seminole Hotel, Jacksonville, Fla., will discuss hotel training.

Bill Graham, of the Alabama State Chamber of Commerce, will preview the state's scenic attractions.

Election of officers will be held n the morning session and committee reports will be given during the general business meeting.

Registration of delegates to the convention began Friday at the Las Vegas Hotel and will continue Saturday morning.

Advertiser Sat-9-13-58

LOCAL MOTEL MANAGER GREETS SPARKMAN
Hugh Jones Welcomes Senator To Convention

Supreme Court Is Called Dictator By Rep. Andrews In Address At Montgomery

MONTGOMERY, Ala.—The U. S. Supreme Court has set itself up as a dictator and the law of men" is being set up as "the law of the land," U. S. Rep. George Andrews, of the Third Congressional District, declared in an address Tuesday night at a meeting of the Montgomery Citizens Council.

"In 1861 we faced a similar situation," Rep. Andrews declared. "The basic issue then was states' rights, as it is now.

"The United States government has become a dictatorship and the dictator is the Supreme Court."

Citing the use of the 101st Airborne Division in the school crisis last year at Little Rock, Ark., Rep. Andrews said they were the toughest trained troops in the world.

"When the president sends that kind of troops to a high school, then we have for all purposes a dictatorship."

Commenting on Alabama schools, Rep. Andrews called for auctioning of school buildings to the highest bidder "if worse comes to worst in Alabama."

"I'd rather see no schools in Alabama than to see an integrated school," he said.

Rep. Andrews labeled the exploitation of the integration question for political expediency as "cheap, political hypocrisy and demagogery.

"President Eisenhower's grandchildren and Vice President Nixon's children do not attend these integrated schools in Washington —they attend private schools. They want integration for the people, but not for themselves," he said.

He admonished the group that "if the South has the courage and determination to keep segregated schools, it can be done."

Vote Saves Court

Delay not given

WASHINGTON

A bill designed to prevent the Supreme Court from knocking down state laws not directly conflicting with Federal laws on the same subject died Thursday. It was killed by a 41-40 Senate vote.

With its death, a coalition between Southern Democrats and Northern Republicans to push the measure through, also succumbed.

The object of the measure was to "punish" the U.S. Supreme Court for its liberal tendencies.

The bill, defeated by the narrowest of margins on a roll call vote, now goes back to the Senate Judiciary Committee, where action on it is unlikely, these being the closing days of Congress for this session.

IN KILLING the anti-court bill, the Senate reversed itself. Heroes in the death of the measure were Senators Hennings of Missouri, Douglas of Illinois, Carroll of Colorado and Johnson of Texas, all Democrats.

The four legislaters overcame repeated anti-Supreme Court attacks by Senators Russell of Georgia, Ervin of North Carolina, Thurmond of South Carolina and Bridges of New Hampshire in a debate that snuffed out the bill.

The bill would have stymied the authority of the nation's highest tribunal to make decisions on the basis of law rather than regional politics in the arena of civil rights.

NASHVILLE, Tenn. — Memphis State University will have to accept colored students next month as ordered by a three-judge Federal court, it appeared this week.

The school's president, J. M. Smith, had requested the State Board of Education to grant a year's stay, but a special committee reported Wednesday it was unable to reach agreement.

12d 1958

Limiting Supreme Court Jurisdiction

The Jenner bill to limit in certain respects the appellate jurisdiction of the supreme court, a power constitutionally granted Congress, reportedly is scheduled to be taken up by the Senate judiciary committee in mid-March.

Sen. Jenner's proposed exceptions to such jurisdiction extend to:

(1) Purposes, functions and practices of congressional committees, including contempt actions.

(2) Subversion, with respect to

(a) Executive branch employees and agencies thereof established to deal with them.

(b) Intrastate problems and the relative state laws and executive regulations.

(c) Teachers and the regulations of educational boards.

(3) Admission to law practice, and the regulations of state courts and bar examiners.

This congressional power is not to be exerted lightly but is a fruitful subject of inquiry, properly and prayerfully approached. Congress should on its own part, in any case, clarify whatever rules, statutes and resolutions it has seen demolished or impaired—so done in ways that do not reflect congressional intent, or that have created novel, generally unwanted rights and privileges by discovery of more or less open loopholes. There should be exposure of what, in Congress, holds up this adjustment process.

Sen. Jenner made a very able speech last July 26 on his bill. It was a mixture of consternation over what had been done in respect to antisubversive legislation, etc., and of citations of extreme novelties that entered into certain decisions. Of course if far-reaching effects had not been launched by the decisions, disturbance might not have been so acute; but it also is true that unnoticed novelties in judicial approach and procedure can multiply effects tremendously over a long enough period.

MR. JENNER VS. THE COURT

William E. Jenner of Indiana, who is doing a service to the nation by retiring from the Senate this year, is author of a bill to limit the appellate jurisdiction of the Supreme Court in certain areas where the court has been courageously defending some of our basic American liberties.

The Jenner bill was suddenly whisked out of the Senate Internal Security subcommittee last month; but at the insistence of Senator Hennings of Missouri, a long-time champion of the Bill of Rights, it was whisked back again for hearings and will be kept for burial. It is no surprise and no comfort that Robert Morris, former chief counsel of the Internal Security subcommittee and now a Republican candidate for the New Jersey Senatorial nomination, strongly endorsed the bill last week on the ground that an "aggressive majority on the Supreme Court has been hastening the decline of Congressional investigatory power." This is Mr. Morris' way of saying that the court has enforced some constitutional limitations on free-wheeling Congressional committees, and that the Jenner bill would put a speedy end to that.

Not only would the bill deprive the court of authority in cases involving Congressional investigating committees, but it would do a host of other equally dangerous things as well. It would remove the court's jurisdiction over Federal loyalty-security programs, or over any state action on subversive activities. Furthermore, it would exempt from review by the Supreme Court local rules on alleged subversion among teachers, and state regulations regarding admission of persons to the bar. In each of these five categories Senator Jenner was obviously aiming at one or more recent Supreme Court decisions.

In each of these cases the high tribunal decided in favor of individual rights and constitutional liberties; and Senator Jenner evidently figures that if he can't overturn these Supreme Court decisions, he may be able to prevent similar ones in the future.

Legislation of this kind would not merely leave constitutional law in these fields to the lower Federal or state courts, and therefore in a state of confusion. It would do something much worse: strike directly at the independence of the judiciary. The Supreme Court is not above criticism, and sometimes its decisions may be wrong (though we do not happen to think so in the above cases). But it would be fatal to our form of government, and to civil liberties as well, if Congress punished the court for unpopular decisions by taking away its authority in certain cases, which is precisely what Senator Jenner would have it do.

9-VOTE DECISIONS URGED FOR COURT

Bar Proposes Stand-Bys for Supreme Court to Assure Full Bench in All Cases

By ANTHONY LEWIS

Special to The New York Times

ATLANTA, Feb. 24 — The American Bar Association approved in principle today the idea of assuring that nine judges sit in every case decided by the Supreme Court.

The specific proposal was to have lower-court judges sit on the Supreme Court whenever any of the justices is absent. The bar association approved the objective of this proposal, but ordered a committee to investigate the wisdom and constitutionality of ways to carry it out.

In many Supreme Court cases justices disqualify themselves because of some prior association with the parties or case. And members of the court may be ill at the time of oral argument and then take no part in the decision.

Majority May Be Lacking

As a result, cases are occasionally decided with less than a majority of the full Supreme Court—five justices—on the winning side. A notable example was the du Pont antitrust case last term, decided for the Government and against du Pont by a vote of 4 to 2.

Paul Carrington of Dallas, author of the proposed reform, said there had been nineteen such cases in the last eight years. He noted that in other cases the absence of one or more justices had left the Supreme Court evenly divided.

Mr. Carrington's proposal was to have a panel of judges, chosen from the eleven United States Courts of Appeals, who could fill in when necessary on the Supreme Court. These judges, he suggested, could be chosen by vote among themselves or by the chief judges of each circuit.

Pros and Cons Discussed

The Carrington plan was discussed today in the House of Delegates. Bernard G. Segal of Philadelphia, chairman of a committee that had considered it, pointed out some of the pros and cons.

Using temporary judges to sit on the Supreme Court, he said, might adversely affect the "stability of decision" in the court.

On the other hand, he said, requiring a bench of nine judges in every case "assures at least the mechanical result" that each case will be decided by the number that Congress has fixed for the Supreme Court since 1869.

Mr. Segal noted the possibility that such a proposal might seem to reflect on the Supreme Court. He said his committee's approval "in principle" should not be taken as "indicating anything but the highest regard and respect for the present Supreme Court."

Constitutional Questions

The specific idea of having judges other than Supreme Court justices sit on that court raises "grave constitutional questions," Mr. Segal said. He recommended, and the House of Delegates approved, having a committee study ways to assure a full court at all times.

The house voted to defer action on another sweeping proposal dealing with the Federal judiciary. This was to remove the Justice Department from the process of selecting judges. The department now makes the recommendations to the President for all nominations.

Ben R. Miller of Baton Rogue, La., proposed having a nonpartisan commission advise the President on judicial nominations. He said this would remove politics from the choices.

The House of Delegates also took the following actions today:

¶Delayed until next fall action on a proposal to reaffirm the A. B. A. policy against admitting television or newspaper cameras to courtrooms. This was a victory for press opponents of the policy.

¶Voted approval of judicial review under the Administrative Procedure Act for administrative orders deporting or excluding aliens.

¶Urged that the Board of Immigration Appeals, which now exists under Justice Department regulations only, be given permanent status by Congress.

¶Favored judicial review of presently unreviewable decisions by the Veterans Administration.

High Court Backs Edicts On Rights

WASHINGTON, Feb. 25 (UPI) — The Supreme Court ruled in three cases in favor of equal rights for Negroes.

It also issued decisions upholding the rights of individuals in picketing and citizenship cases.

The nine justices unanimously reversed the conviction of a Negro for the murder of a white woman in New Orleans. It said the Negroes were deliberately excluded from the grand jury.

The decision may lead to a new trial for Freddie Eubanks, who had been condemned to death for the murder of Mrs. Mabel Clarkson, an elderly white woman, four years ago.

The high court also rejected, in a brief order, an appeal by New Orleans city officials from a federal court order throwing out Louisiana laws requiring racial segregation on streetcars and buses.

High Court Rulings Are Blow to Unions

Tribunal Reverses Louisiana's Conviction Because Negroes Were Kept Off Jury

(Chicago Tribune Press Service)

WASHINGTON, May 26—The Supreme Court today dealt a jarring blow to organized labor when it held in two decisions that unions may be sued in state courts for damages by workers who allege pickets prevent them from getting to their jobs and workers who allege they were expelled illegally from their unions.

The court in one case upheld the award of $10,000 actual and punitive damages to Paul S. Russell, an electrician, who sued the United Automobile Workers union in Alabama, alleging that pickets, during a strike in Decatur, Ala., prevented him from working.

In the other case the high court upheld the award of a judgment for $9,300 in the California state court in San Francisco to Marcos Gonzales, who alleged he was illegally expelled from the International Assn. of Machinists and thereby prevented from getting work.

In each case the court divided 6 to 2, with Justice Hugo L. Black not participating. The dissenters in each case were Chief Justice Earl Warren and Justice William O. Douglas.

Many Suits Loom

An indication of the implication of the decision in the Alabama case was contained in Warren's dissent in which he said Russell is only one of 30 employes who have filed suits against the union for the same conduct, all of them claiming substantial, punitive damages.

Thus, the defendant union may be held liable for a whole series of punitive as well as compensatory recoveries, Warren wrote. "The damages claimed in the pending actions total $1,500,000, and to the prospect of liability for a fraction of that amount may be added the certainty of large legal expenses entailed in defending the suits.

"By reason of vicarious liability for its members' ill-advised conduct on the picket lines, the union is to be subjected to a series of judgments that may and probably will reduce it to bankruptcy. . . ."

No Union Immunity

Justice Harold H. Burton, who wrote the decision in the Russell case, said that "if the employe's common-law rights against a union . . . are to be cut off, that would in effect grant to unions a substantial immunity from the consequences of mass picketing or coercion such as was employed during the strike in the present case."

In the Gonzales decision, written by Justice Felix Frankfurter, the jurist rejected the argument that Gonzales could have obtained adequate relief by taking his case to the National Labor Relations Board. He said the board might possibly have been empowered to award Gonzales back pay but in no event could it award damages for mental or physical suffering. He added that the possibility of partial relief from the labor board does not deprive a party of available state remedies for all damages suffered.

In other actions the court:

1. Ordered a rehearing in the appeal of Alfonse Bartkus of Chicago, who is serving a life sentence following his conviction in Chicago in 1954 as the driver of the car used in the getaway after the holdup and robbery of the General Savings and Loan Assn. of Cicero in 1953. Bartkus was first tried in U.S. District court. After he was acquitted he was tried for the same offense in the state court. He contends he was placed in double jeopardy in this process. Last January the court divided 4 to 4 on the case, thus upholding the Illinois Supreme Court and the lower court. Today it acted favorably on a plea for a rehearing.

Conviction Reversed

2. Reversed the conviction and death sentence of Freddie Eubanks, a Negro, tried in New Orleans four years ago for the murder of a white woman. Eubanks' attorney contended Eubanks was denied a fair trial because Negroes were excluded from the grand jury that indicted him. The unanimous decision, written by Justice Black, said:

"We are reluctantly forced to conclude that the uniform and long-continued exclusion of Negroes from grand juries shown by this record cannot be attributed to chance, to accident, or to the fact that no sufficiently qualified Negroes have ever been included in the lists submitted to the various local judges. It seems clear to us that Negroes have been consistently barred from jury service because of their race."

3. Set aside orders of the U.S. District Court in Detroit that canceled the citizenship of Stanislaw Nowak, a former Michigan state senator, and Mrs. Rebecca Maisenberg. They were denaturalized on the ground that they made false answers in their naturalization application forms and that they were members of the Communist party for five years before they made application for citizenship.

The court divided 6 to 3, with Justice John M. Harlan writing both decisions and Justices Tom Clark, Charles E. Whittaker and Burton dissenting. The majority held the two did not knowingly give false answers.

National Whirligig

By Ray Tucker

WASHINGTON.

AN ANALYSIS of the Supreme Court's current philosophy, as reveal in its 1957-58 session decisions, serves to explain its many confusing and disturbing rulings with regard to the powers of the federal and state governments.

Court Trend Is To Protect Individuals

After 75 years in which the changing and responsive membership of the high tribunal has successively championed Big Business, Big Government and Big Unionism, it now seeks to enlarge the area of the individual's freedom from the prohibitions, pressures and controls of those three systems. It is resisting the trend toward semiauthoritarian rule that resulted from two world wars, the 1929-1933 depression, the Roosevelt reform era, and the cold war with Russia.

All these crises led to a vast increase in the power of the federal government, through decree or legislation. They produced a batch of restrictive laws and regulations which interfered with the individual's right to think, talk, work and even to travel outside the United States.

★ ★ ★

INDIVIDUAL HAD TO BOW EVEN WHEN FEDERAL ACT WAS BENEFICIAL—Even when these encroachments had a beneficial and constructive purpose, such as Social Security, farm parity payments and collective bargaining, the individual had to sacrifice certain of his freedoms in return for these paternalistic privileges.

A Social Security beneficiary, for instance, could not earn more than $1,200 a year, although able and willing. A farmer could not overproduce without forfeiting federal subsidies. Union officials had to sign an anti-communist oath in order to utilize the federal machinery in industrial disputes. Businessmen had to comply with a horde of alphabetical agencies.

It is against this background of growing governmental invasions, as certain members of the high court concede, that many recent decisions by Chief Justice Earl Warren's tribunal must be understood.

★ ★ ★

"HOT CARGO" CASE — Even the school desegregation decisions falls into this category. For, as lower federal tribunals have rightly held, this ruling was not designed to protect Negroes as a race but as individuals. It did not throw open the schools to colored people on a universal and helter-skelter basis.

The jurists have held that individual members have a right to sue and obtain damages from a union, if its actions prevent them from earning a livelihood. In the "hot cargo" case, they narrowed the area in which a striking union can operate to the detriment of employers and members of other unions.

The Supreme Court has freed communists of congressional contempt sentences on the ground that the House-Senate committees exceeded their authority in their interrogations, thus crippling the investigative process. It has freed confessed criminals because police held or questioned them too long before taking them before a judicial officer.

It has said that a communist cannot be convicted merely because of his beliefs, but only if he engages in violence or rebellion against the government. It has denied the State Department the right to withhold a passport because an individual applicant refuses to sign an anti-communist affidavit.

★ ★ ★

JUDICIAL REVOLUTION—In view of past Supreme Court trends, this shift of emphasis amounts to a judicial revolution. From 1870 to 1932, the Supreme Court, perhaps necessarily, had sided with the corporations and economic concentrations that made the so-called "industrial revolution."

It struck down minimum-hour laws affecting women and children on the ground that they violated an individual's constitutional right to work a longer week. It held that a corporation was a "person," and entittled to the same protection enjoyed by individuals. It applied the amendment freeing Negroes from discrimination so as to invalidate reform legislation in the corporate fields.

★ ★ ★

COLD WAR AGGRAVATED ANTI-FREEDOM TREND—It was in revolt against this philosophy that FDR sponsored so many New Deal changes, including his "court-packing" attempt. Aided by the depression and World War II, he created a system of big government never witnessed before. For economic and political purposes, he also fathered big unionism. The conflict with Russia, with its loyalty and security measures, has aggravated the anti-freedom trend.

Although many critics believe that the Warren court has gone too far in the other direction, failing to differentiate between communists and criminals and innocent individuals, it is in this light that its behavior must be viewed.

12d 1958

AMERICAN INDIAN

U.S. COURT DENIES PLEA BY SENECAS

Rules Land Can Be Taken Despite Treaty Signed by George Washington

Special to The New York Times.

WASHINGTON, Nov. 25—The United States Court of Appeals upheld today a Federal dam project that would flood part of a Seneca Indian reservation in western New York despite a 1794 treaty signed by George Washington.

In this treaty the Senecas were promised the land with this statement: "Now the United States agrees that it will never claim the same, and the Seneca Indians and their Indian friends will never be disturbed inthe free use and enjoyment thereof until they see fit to sell them to the people of the United States.

The Senecas also stated that President Washington's envoys had told their chiefs:

"As long as the moon rises, the grass is green, the river flows and the sun shines this land is yours until you choose to sell it."

The Appeals Court decision came as a Federal Power Commission examiner was hearing a controversy between the New York State Power Authority and the Tuscarora Indians over a power project that would take over part of their reservation on the Niagara River.

Valley Will Be Flooded

The Seneca project, designed to protect Pittsburgh from floods, involves a dam on the Allegheny River near Kinzua, Pa. It will flood the valley of the river above all the way to Salamanca, N. Y., including 9,000 acres of the approximately 30,000-acre Seneca reservation. However, it was said that this would take all but 2,300 acres of the arable and habitable land of the Senecas.

The proposed project, under auspices of the Power Authority, would involve construction of a reservoir on 1,382 acres of the 3,249-acre Tuscarora reservation.

The Court of Appeals on Nov. 14 temporarily blocked the use of the Tuscarora land for the Niagara project. It said then that only Congress could authorize taking of Indian reservations by eminent domain. It found that Congress had not specifically authorized use of Tuscarora land except where the Federal Power Commission determined that it would not interfere with the original purpose and intention of the reservation.

Today's opinion in the Seneca case followed the same line of reason but found that in this case Congress had clearly approved the taking of the reservation for the Allegheny project. The decision was based on the legislative history of the project.

Congress first approved the project in 1941. The court said the plan prepared at that time by the Army Corps of Engineers for approval by Congress had shown the Allegheny reservoir covering Seneca lands.

In 1957 Congress approved the project after committee hearings and debates that the court said clearly had shown that Seneca opposition was rejected by Congress.

Attorney's Plea Rejected

The court said there was no dispute about the fact that Congress would override the treaty signed by Washington. The Senecas' lawyer, Edward E. O'Neill of Washington, said he would take the case to the Supreme Court.

In the Tuscarora hearing, the Indian nation's attorney, Arthur Lazarus, failed in an attempt to get an immediate ruling by the full power commission on one aspect of the dispute. He sought to limit the scope of evidence and testimony to the question of whether the proposed reservoir would be inconsistent with the original purpose and intent of the reservation.

Barry Frazee, the hearing examiner, said he would rule on Mr. Lazarus' motion after all testimony by the Indians, the State Power Authority and interveners from the neighboring communities of Lewiston, Niagara and Niagara Falls had been heard. If the power authority should be denied use of the Tuscarora lands an alternative site would be used that would take 2,400 acres in Lewiston.

Judge Samuel I. Rosenman, counsel for the power authority, sought to show in examination today that the Tuscaroras had leased farm lands to white farmers without a license from the Federal Government. He said this was designed to show that Federal approval was not required for transfers of land by the Indians.

Indian witnesses testified that their land, according to law, could not be sold to outsiders. But they said there was much informal selling and trading of land within the reservation among tribal members.

Chief Elton Greene, chairman of the fourteen-chief council that administers the affairs of the Tuscaroras, said the tribe kept no formal records of land transfers among its own members.

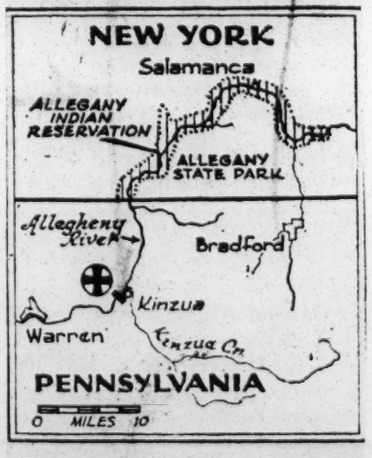
"We trust in one another," he told Judge Rosenman.

"You mean you trust each other?" Judge Rosemnan asked in some incredulity.

"Absolutely," Chief Greene replied.

The New York Times

Chief Elton Greene of the Tuscarora Indians. He testified yesterday before a hearing of Federal Power Commission in Washington.



The New York Times Nov. 26, 1958

SET BACK: Court upholds Kinzua, Pa., dam (cross), which would flood part of Senecas' land (shaded).

for states rights—

Rains looks for high court curbs at next session

BY FRED TAYLOR, News staff writer

The only way the South can stave off the drive by both major political parties for racial integration "is to broaden the base of its fight to include not only segregation in the schools, but all other states' rights so vital to the American people."

Hitting hard, Rep. Albert Rains of Gadsden, veteran Fifth District congressman and one of the nation's ablest lawmakers, declared he believed the upcoming session of Congress would pass a law curbing powers of the U. S. Supreme Court.

Congr. Rains, in Birmingham Saturday for the Alabama-Auburn football game, voiced optimism for the South's chances in a fight that grows more bitter day by day.

Rains outlines formula

INTERVIEWED IN his suite a the Tutwiler Hotel, Rains recommended these remedies as "must" legislation if the United States is to maintain its position as a leader among nations:

ALBERT RAINS

"1. Make U. S. Supreme Court decisions subject to review by the Congress on the basis of a two-thirds vote of both House and Senate, as presently required for submission of constitutional amendments.

"2. Passage and ratification of a constitutional amendment requiring Supreme Court justices to be reapproved by the Senate every 12 years, as New York and several other states already require for judges of their high courts. (U. S. Supreme Court justices would still be appointed for life, subject to such reapproval every 12 years).

"3. Require U. S. Supreme Court justices to have a minimum of five years judicial experience on a State Circuit Court, a State Supreme Court, a U. S. District Court or U. S. Court of Appeals as a qualification for appointment to the highest tribunal in the land.

"4. Make it mandatory for all U. S. Supreme Court justices to retire at the age of 70 (to prevent some from coming under the influence of their law clerks and others)."

Lauds Placement Act

REP. RAINS LAUDED Lt. Gov.-Elect Albert Boutwell and others who helped push through Alabama's school placement law, which was held valid on its face by the Supreme Court during the week.

"I think this is one of he finest and most effective pieces of egislation passed by any state Legislature and will prove invaluable in our fight for segregation and states' rights—a fight that we must win to preserve our nation," added Rains.

The congressman, a former state legislator, warned that "if he U. S. Supreme Court continues to disregard the clear mandate of the Constitution and continues to base its decisions on an unwritten law,' then an amendment must be passed to make the court's decisions subject to review by the Congress."

People are sovereign—

RAINS POINTED OUT that former Justice Sherman Minton who retired because of a physical disability, was the only judge on the Supreme Court at the time it handed down its desegregation ruling who could have qualified under his proposed amendment.

"The political theory of the U. S. Constitution is that no man or set of men should rule the people, but that the people are sovereign and are capable of creating their own government," declared Rains.

"In a short time we have seen the Supreme Court, under Chief Justice Earl Warren, challenge the states on grounds never before invaded by the high tribunal and on issues never before pondered by our greatest justices."

Congr. Rains, in referring to President Eisenhower's action in sending troops to force school integration at Little Rock, asserted:

"This was hailed by some as a measure for the protection of the rights of minorities, but that action was the most deliberate insult to state government since 1776."

Dred Scott After One Hundred Years

Afro-American

P. 3

- The only Supreme Court case reversed by a war.
- One of three Supreme Court cases reversed by amendment to the Constitution
- Plessy vs. Ferguson reversed by Supreme Court itself.

Sat. 2-15-58

Baltimore, Md.

SOUTH'S DISGRACE—An old woodcut engraving of a slave auction during the 1800's.

A recent issue of the Atlantic Monthly has a piece on "Dred Scott — A Century After."

The Dred Scott case of 1857 is the most famous — or notorious—in all our judicial history.

It is the only one that every schoolboy knows by name, though rarely by its full name, which was DRED SCOTT vs. Sandford.

It is the only one that helped bring on a major war. (the Civil War)

* * *

IT IS ONE of only three decisions in 168 years of Supreme Court annals, that was eventually reversed, not by the court itself, not even, legally speaking, by war, but by amendment of the Constitution.

(The other two were Chisholm vs. Georgia, a minor insult to state sovereignty reversed by Amendment XI, and the Pollock income-tax case of 1895 reversed by Amendment XVI.

THE DRED SCOTT case deserves to be memorialized after 100 years because it was one decision of the Supreme Court that was reversed in less than 10 years.

It supported slavery because the Supreme Court and the government at that time were dominated by Southerners and it made its decision so unpalatable that the whole country was willing to go to war to reverse it.

Sometimes the Supreme Court reverses itself.

* * *

IN PLESSY vs. Ferguson, 1895, it said that the 14th Amendment guaranteed colored people equality meant "Separate but Equal."

That vicious interpretation began the work of a Southern dominated Supreme Court and afflicted this country until 1954, when Chief Justice Warren said: "Separate educational facilities are inherently unequal. We conclude that in the field of public education the doctrine of 'separate but equal' has no place."

12d 1958

EDUCATION

ALABAMA PLACEMENT LAW

ALABAMA PUPIL LAW UPHELD BY U.S. HIGH COURT

Way Left Open for Test of Operations

(Southern reaction to ruling on Page 9.)

By KARL H. BAUMAN

WASHINGTON (AP)—The Supreme Court Monday upheld legality of Alabama's school placement law. It left the way open for possible future tests on whether it is operated on a nondiscriminatory basis.

The law makes no mention of race, but its chief author, State Sen. Albert Boutwell, says it is a plan to maintain segregation of Negro and white pupils.

In a brief unsigned order the court unanimously affirmed a ruling by a special three-judge federal district court in Birmingham last May holding the law to be constitutional on its face.

The three-judge court said the law furnishes the legal machinery for an orderly administration of the public schools in a constitutional manner by the admission of qualified pupils upon a basis of individual merit without regard to race or color.

APPLICATION FACTOR

"We must presume that it will be so administered," the lower court said.

"If not, in some future proceeding it is possible that it may be declared unconstitutional in its application."

The Supreme Court pointedly noted that it was affirming this decision "upon the limited grounds on which the district court rested its decision."

The case originated in August 1957. The parents of four Birmingham Negro pupils petitioned the City School Board for admission of the children to the schools nearest their homes on a racially nondiscriminatory basis.

PURPOSE ATTACKED

Attorneys for the Negroes, contending the school board failed to act on the applications in reasonable time, went to court. They contended the placement law was unconstitutional on its face and contended its purpose was to continue the separation of races in the public schools.

Attorneys for the school board contended the Negroes' argument as to the purpose or motive of the Legislature was not supported by the facts or the text of the law.

The placement law gives local school boards authority over the transfer or placement of each pupil. Among other things, the local boards may take into account "the scholastic aptitude and relative intelligence or mental energy or ability of the pupil; the psychological qualifications of the pupil . . .; the effect of admission of the pupil upon the academic progress of other students . . .; the psychological effect upon the pupil of attendance at a particular school; the possibility or threat of friction or disorder among pupils or others. . . ."

HIGH COURT VOIDS A CURB ON LABOR

Bars Georgia Law Requiring Permits for Organizers

Special to The New York Times.

WASHINGTON, Jan. 13—The Supreme Court held unconstitutional today a Baxley (Ga.) city ordinance requiring labor union organizers to get a permit from the mayor and city council before soliciting new members.

The decision may further labor's lagging efforts to organize the South.

The court had been told that similar laws were in effect in many Southern towns and cities. Today's decision probably means that they are invalid also.

Justice Charles Evans Whittaker, writing the opinion of the court, found the Baxley ordinance "invalid on its face" as an infringement of free speech. He based this conclusion on the "uncontrolled discretion" given to the mayor and city council to grant or deny permits.

Justice Felix Frankfurter dissented in an opinion joined by Justice Tom C. Clark. The dissent argued that the appeal should be dismissed for procedural reasons, without reaching the constitutional question.

The Baxley ordinance requires a permit for any person seeking members for "any organization, union or society." The mayor and council, in passing upon the application for a permit, are to consider "the character of the applicant, the nature of the business of the organization . . . and its effects upon the general welfare of the city of Baxley.

The ordinance further fixes an annual fee of $2,000 for each person soliciting members, plus $500 "for each member obtained." J. H. Highsmith, the City attorney of Baxley, conceded in his argument to the Supreme Court that these fees were so excessive as to be unconstitutional.

The present case arose when Rose Staub, an organizer for the International Ladies Garment Workers Union, sought to organize members in Baxley without a permit.

She was convicted in the Georgia courts of violating the Baxley statute and sentenced to pay a $300 fine or spend thirty days in jail. She challenged the statute as unconstitutional on its face.

Justice Whittaker found the statute in violation of the Fourteenth Amendment's provision that no state may deprive one of liberty without due process of law. This provision has been held to apply to the states the free speech guarantee of the First Amendment.

"An ordinance which, like this one," Justice Whittaker wrote, "makes the peaceful enjoyment of freedoms which the Constitution guarantees contingent upon the uncontrolled will of an official * * * is an unconstitutional censorship or prior restraint upon the enjoyment of those freedoms."

Justice Frankfurter's dissent was based on the position, taken by the Georgia courts, that Miss Staub had not followed Georgia's procedural rules in challenging the Baxley ordinance.

The Georgia courts held that Miss Staub should have made a specific constitutional challenge to each separate section of the statute instead of calling it unconstitutional as a whole. For this reason the Georgia courts refused to consider her constitutional claims.

The Supreme Court customarily refuses to review a case that a state court has decided on procedural grounds, unless there is no "fair or substantial support" for the procedural ruling.

Justice Whittaker said today that the Georgia courts' ruling would have forced Miss Staub to perform "an arid ritual of meaningless form" and hence should be disregarded. Justice Frankfurter would have respected the Georgia ruling and dismissed the appeal.

Justice Frankfurter said the majority had offended "the essence of our federalism" by failing to show "due regard for . . . the distribution of judicial power as between this court and the judiciaries of the states."

Miss Staub was represented in the Supreme Court by Morris P. Glushien of New York, an I. L. G. W. U. attorney.

Dubinsky Hails Move

David Dubinsky, head of the union that brought the action to upset the law, said the court's decision cleared the way for "greater union efforts to raise wages and work standards in the South."

The president of the International Ladies Garment Workers Union asserted that many Southern communities had used a licensing requirement to "keep unions out of their midst and wages at a low level." He said the court ruling would wipe out such interference with organizing rights.

12d 1958

SUPREME COURT

Rep. Andrews Warns Of Dictatorship Unless Supreme Court Power Is Curbed

America will drift into a dictatorship as terrifying as any in foreign lands unless it returns to constitutional government, Rep. George Andrews, of Alabama's Third District, declared last Friday evening when he appeared as guest speaker at meeting of the Alabama chapter of the National Postmasters at Kowliga Beach.

Rep. Andrews was sharply critical of several recent Supreme Court decisions and lashed out at those persons, some in high places, who have supinely submitted to the false propaganda that the Supreme Court is empowered to write 'the law of the land,' when our Constitution expressly entrusts that vital function of government to the Congress, for the simple reason that members of that body are the elected representatives of the people.

"The keystone of the Bill of Rights is the 10th Amendment, which says in plain, simple, understandable language that: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.'

"What that means and plainly states, is that the Federal Government has no powers, can exercise no authority, except that which is expressly given to it in the Federal Constitution.

"I quote Article 6: 'This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the Supreme Law of the land.'

"And to whom does the Constitution delegate the power to make the 'law of the land?' I quote Article 1, Section 1: 'All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.'

"I say to you with all sincerity and with a deep conviction that unless the American people, through their representatives demand and obtain a return to elemental Constitutional principles and a containment of the Supreme Court to the functions delegated it by the Constitution, then we have lost the safeguard and guarantee of freedom and assurance of sovereignty of the states bequeathed us by our forefathers.

"For as sure as we meet here today, if the Supreme Court of the United States has the power to write the 'law of the land' and the President conceives it his duty to enforce these decisions, then we are drifting into a dictatorship of the Judiciary as powerful and as terrifying as any now existing in foreign lands. We will no longer have a government of laws but a government of men and our laws will be what those men want them to be.

"If this doctrine can be used to enforce integration of the races in the Southern States, it can be used in a multitude of other instances, in any and every state of the Union, to destroy the liberties of the people and wipe out every vestige of state sovereignty. It is my fervent hope and prayer that some way, somehow, some voice more powerful and more eloquent than mine, may be raised that will arouse the whole of the American people to the danger confronting them.

"It is not a local question; it is not a Southern question; it is not the explosive question of integration of the races; it is basic question affecting the rights and liberties of every living American citizen and every unborn child."

Andrews Asks High Court Curbs

Third District Congressman George Andrews of Union Springs delivered a fierce attack on the U.S. Supreme Court here Thursday in speaking to city officials attending a meeting of the Alabama League of Municipalities.

ANDREWS

Andrews had been scheduled to devote his remarks to what the 85th Congress did concerning public works and area redevelopment, but he dispensed with this subject quickly to turn his guns on the high court.

"We have a dictatorship in America today, and that dictator is the U.S. Supreme Court," Andrews told an appreciative audience. "It is my sincere hope that the next Congress will check the threat of this dictatorship and clip the wings of the court.

"I suspect that the court now writes more laws than both branches of Congress," he continued. "And every time they do they usurp the powers of the Congress under the constitution."

The outspoken lawmaker displayed some optimism that something may be done soon to curb the power of the court.

"At long last the people of America—not only in the South, but elsewhere—are beginning to realize that the Supreme Court in the past ten years has given almost 100 decisions which have given aid and comfort to Communists," Andrews declared, "and in so doing have struck a serious blow at the security of our nation."

In his brief reference to urban renewal legislation, Andrew noted that "a good bill was introduced and passed by Congress but President Eisenhower saw fit to veto it."

Congress To Attempt Court Curb--Patterson

Special To The Constitution

SHAWMUT, Ala.—Alabama Governor-elect John Patterson predicted here Thursday that strong efforts will be made in the next session of Congress to curb the powers of the U.S. Supreme Court.

Speaking before a combined group of civic clubs, and West Point Manufacturing Co. officials, the youthful Patterson said that he had talked with quite a number of Congressmen from all parts of the country during the past few weeks and found them all concerned about the strong positions taken by the court.

"I firmly believe, and find that many of the legislators and senators in Washington agree with me, that the Republican Party's defeat at the polls Nov. 4 was due to the fact that the present administration in Washington has run roughshod over the rights of people in the states," he added.

Outlining a portion of his program for his administration, Patterson told the luncheon meeting that Alabama will have more highway funds during the next four years than ever before.

"Of course the federal highway money will be a large part of it," he explained, "but we'll match every dime of the federal funds and build these roads without raising taxes one dime." he added.

Halted by a heavy burst of applause, Patterson also promised the state will have a progressive industrial development association to attract new industry, see that state docks are operated on a sound basis, a continued river development program, a sound, progressive educational plan for better schools and teachers pay, and the elimination of waste of tax funds.

"I don't have a single commitment in this world to prevent me from carrying out this type program," he explained.

"And by cutting out the fat in state government, I think we can operate the next four years without a single cent of new taxes," he said.

Also appearing on the luncheon program were Jean Carter of Atlanta, National Maid of Cotton; Annette Nall, Alabama Maid of Cotton; and Janice Jones, Chambers County Maid of Cotton.

Andrews Challenges Supreme Court's Authority To Write "Law of The Land"

Special to The News

AUBURN, Ala.—Congressman George Andrews, of Union Springs, Monday called on the American people to fight with faith and courage what he termed the invasion of state's rights and other constitutional limitations by the Supreme Court of the United States.

"It is my sad conclusion that the present generation of the American people has not kept the faith, has not fought the good fight to preserve for ourselves and future generations the precious heritage left us by those who have gone before," he told the Auburn Kiwanis Club.

"We have," he said in an address on "The Law of the Land," "with only slight resistance, submitted to encroachments upon our constitutional system. We have seen the sovereign rights of local state government ruthlessly invaded. We have hesitated and vacillated in denouncing the invasion of state's rights and other constitutional limitations by the Supreme Court.

"Vast numbers of people, some in high places, have supinely submitted to the false propaganda that the Supreme Court is empowered to write the 'law of the land,' when our Constitution expressly entrusts that vital function of government to Congress for the simple reason that members of that body are the elected representatives of the people.

"Democratic government can only be preserved by strict adherence to constitutional provisions and limitations," he said.

Livingston Says U.S. Court Rulings Peril State Rights

DOTHAN, Ala. (AP) — Unless something is done to restrain the U.S. Supreme Court, the states soon won't have any rights left, says Chief Justice J. Ed Livingston of the Alabama Supreme Court.

Livingston's warning came at a banquet Tuesday night arranged as part of the week-long National Peanut Festival Program.

The jurist said if the nation's highest court continues to follow the trend of its decisions of the past few years "every vestige of state lines in this nation" will be erased.

As he has several times before, Livingston predicted that Alabama will never submit to integration of the races regardless of U.S. Supreme Court's rulings.

J. T. McGouirk, a Dothan banker, was named Dothan's Man of the Year at the banquet. Mrs. C. C. McEachin Jr. was chosen Woman of the Year.

Mrs. McEachin, who is organist at the Dothan Episcopal Church, was first president of the Dothan Women's Chamber of Commerce and has been active in women's club work.

McGouirk, vice president of the Colonial Banking Co., has also been active in civic and charitable work for a number of years.

Wednesday night's festival program featured a fashion show. The annual festival queen will be selected Thursday from among 35 contestants representing cities in Alabama, Georgia and Florida.

High Court Should Be Curbed, U. S. Judge Says

FORT WORTH, Tex., Nov. 24 (AP)—A Federal appellate justice said today Congress should step into the segregation troubles stemming from U. S. Supreme Court rulings.

Chief Justice Joseph C. Hutcheson Jr. of the Fifth U. S. Circuit Court of Appeals, New Orleans, told Fort Worth lawyers he personally did not like the Supreme Court's decision on integration.

The New Orleans court, however, repeatedly has followed the Supreme Court's integration rulings.

"I think Congress ought to come in (take a look at judicial power) every now and then and limit the jurisdiction of the Supreme Court," Hutcheson declared.

Speaking before a meeting of the Fort Worth-Tarrant County Bar Assn., the justice added, however, that no one—including Congress—should tell the Supreme Court how to decide a matter.

On the other hand, he said such matters as labor disputes and segregation should be handled at the state court level "without dragging the Federal court into the picture."

12d 1958

SUPREME COURT

EDUCATION
LITTLE ROCK
SUPREME COURT DENIED SCHOOL
BOARD ANY DELAY TO INTEGRATE
FRIDAY, Sept.12,1958

Warren Says Decision Was 'Unanimous'

High Tribunal Declares Ruling Effective Now

WASHINGTON (AP) — The Supreme Court today denied the Little Rock School Board any delay in integration at Central High School.

Chief Justice Warren announced before a packed courtroom, that a requested 2½-year delay was refused.

Warren said the decision was unanimous.

The ruling affirmed a decision by the U.S. 8th Circuit Court of Appeals at St. Louis.

EFFECTIVE IMMEDIATELY

The ruling is effective immediately.

It means seven Negroes who wish to attend Central High School are now eligible for immediate readmission.

The school is scheduled to open Monday.

But Gov. Orval E. Faubus has said repeatedly he will close the school rather than see it operate with forced integration.

Justice Warren read a two-page printed opinion which was signed "per curiam"—meaning by the court.

The opinion stated that the court "having fully deliberated upon the oral arguments had on Aug. 28, as supplemented by the arguments on Sept. 11, and all the briefs on file, is unanimously of the opinion that the judgment of the Court of Appeals for the 8th Circuit of Aug. 18 must be affirmed."

Text of court's race decision

WASHINGTON, Sept. 12—(AP)—The text of the Supreme Court's unanimous opinion in the Little Rock integration case:

The court, having fully deliberated upon the oral arguments had on Aug. 28,1958, as supplemented by the arguments presented on Sept. 11, 1958, and all the briefs on file, is unanimously of the opinion that the judgment of the Court of Appeals for the Eighth Circuit of Aug. 18, 1958, must be affirmed.

IN VIEW of the imminent commencement of the new school year at the Central High School of Little Rock, Ark., we deem it important to make prompt announcement of our judgement affirming the Court of Appeals.

The expression of the views supporting our judgment will be prepared and announced in due course.

It is accordingly ordered that the judgement of the Court of Appeals for the Eighth Circuit, dated Aug. 18, 1958, reversing the judgment of the District Court for the Eastern District of Arkansas, dated June 20, 1958, be affirmed, and that judgments of the District Court for the Eastern District of Arkansas, dated Aug. 28, 1956, and Sept. 3, 1957 enforcing the school board's plan for desegregation in compliance with the decision of this court in Brown vs. Board of Education 347 U. S. 483; 349 U. S. 294, be reinstated.

IT FOLLOWS that the order of the Court of Appeals dated Aug. 21, 1858, staying its own mandate is of no effect.

The judgement of this court shall be effective immedately and shall be communicated forthwith to the District Court for the Eastern District of Arkansas.

9 Justices Who Heard Ark. Case

WASHINGTON — (UPI) — The nine black-robed U. S. Supreme Court justices who heard arguments in the historic Little Rock school integration case Thursday:

— Earl Warren, 67, chief justice of the United States, served a record ten years, 1943-53, as governor of California. Named chief justice by President Eisenhower in 1953.

— Hugo L. Black, 72, former U. S. Senator from Alabama, is senior member of the high court, having been nominated an associate justice by President Franklin D. Roosevelt in 1937.

— Felix Frankfurter, 75, born in Austria and brought to America as a child. Famous law professor and author of legal books before his nomination by President Roosevelt in 1939.

— William O Douglas, 59, from Washington State, former law professor and federal official, nominated by President Roosevelt in 1939.

— Harold H. Burton, 70, one-time mayor of Cleveland and U. S. Senator from Ohio, nominated by President Harry S. Truman in 1945.

— Tom C. Clark, 58, Texan who was U. S. attorney general general before President Truman named him to court in 1949.

— John M. Harlan, 59, former New York City lawyer and member of U. S. Circuit Court of Appeals, nominated an associate justice by President Eisenhower in 1955.

— William J. Brennan Jr., 52, served on New Jersey supreme court before recess appointment to U. S. Supreme Court by President Eisenhower in 1956. Permanent nomination in 1957.

— Charles E Whittaker, 57, U. S. district judge in Missouri and member of U. S. Circuit Court of Appeals before high court nomination by Eisenhower in 1957.

Court Given New Taunt By Faubus

Governor Says He'll Never Open Mixed Classes

BY THE ASSOCIATED PRESS

Gov. Orval E. Faubus of Arkansas hurled new defiance at the U.S. Supreme Court Friday, declaring he would never open public schools for racially mixed classes.

A private corporation proceeded with plans to set up segregated schools for white high school pupils idled by Faubus' order closing four schools. But a plan for private instruction of 10,000 high school students in Norfolk, Va., fell through because the planning group failed to obtain services of a single public school teacher.

A temporary court injunction prevented use of Little Rock high school buildings by a private corporation. The private group continued efforts to collect money and locate buildings for segregated schools.

HEARING MONDAY

A hearing on whether the temporary injunction should be made permanent will be held in St. Louis Monday by the 8th Circuit Court of Appeals. It appeared unlikely the circuit court would sanction use of Little Rock high schools by a private group in the face of Monday's Supreme Court opinion. The high court held evasive schemes for maintaining segregation could not be countenaced.

Faubus charged federal courts with "simply playing for a bloc of votes in the Northern states." He predicted plans for private schools in Little Rock would succeed, declaring federal courts have no authority to say how state money is being spent.

The spectre of federal troops again being used in Little Rock also came into his comments at a news conference.

Reporters asked what would happen if the high schools are reopened — in defiance of federal court orders—on a private, segregated basis. He replied: "The only recourse the federal government would have would be to send in marshals and the Army to forcibly eject teachers and students."

NEW COURT TESTS

New court tests of Virginia's anti-integration laws are slated next week. Attorneys for the National Assn. for the Advancement of Colored People will plead for reopening of public schools in Norfolk and Warren County. A motion to reopen schools was filed Thursday with U.S. Dist. Judge John Paul in Harrisonburg. A similar motion was prepared for filing before U.S. Dist. Judge Walter E. Hoffman.

The Tidewater Educational Foundation announced it was suspending plans to provide private schooling for 10,000 Norfolk students. None of the public school teachers offered their services to the private group. The foundation said it would mail refunds of $20 tuition fees. It reported receipt of 2,630 registrations but only $450 in fees.

Thurmond Asks South To Back Little Rock

WASHINGTON (AP) — Sen. Strom Thurmond (D-SC) said Friday "The people of Arkansas and Virginia are undergoing the brunt of a brutal persecution directed at the South."

"They must be given the vigorous support of all the Southern people and all others who support a government of laws," Thurmond said in a statement dictated by telephone from South Carolina.

"Monday, Sept. 29, 1958, the Supreme Court handed down an opinion of momentous consequence to the people of this coun-

try and especially to the people of the South," he said.

"This opinion of the court is not the law," Thurmond said. "It is another attempt by the court to substitute its false and vicious ideology for the Constitution in many fields, of which the school problem is only one.

"The Supreme Court has flung the challenge in the face of the South. Our answer must be that we will not permit the Supreme Court or any power upon earth to make pawns or hostages of the school children of the South; that we, the people of the South, shall maintain an adequate system of mass education for all our children and we shall operate such system in accordance with our constitutional authority, as we see fit," he said.

Arkansas, Virginia School Closure Hit

GREENSBORO, N.C. (AP)—North Carolina Atty. Gen. Malcolm A. Seawell Friday night condemned school closings in Arkansas and Virginia to avoid integration.

"'it is unthinkable to me that any people possessed of their senses would say, in effect: "We will close our schools and let our children grow up in ignorance." We are seeing that happen, in small part, in other states, particularly to the north of us."

Seawell, who has strongly endorsed the "moderate" approach to the integration - segregation controversy, spoke at a dinner meeting of the trust section of the North Carolina Bankers Assn.

Brought up in a county where there is an admixture of whites, Indians and Negroes, all of which go to separate schools, Seawell has many times strongly condemned the U.S. Supreme Court's 1954 school integration decision.

But, he told the bankers, "However distasteful may be the job which is assigned to be by law, I intend to take my stand on the side of law—and neither through public utterance nor in any other manner will I seek to advise a people to take any other stand than that which I know under law is the only stand we may take.

"If this is politically inexpedient, dangerous or fatal, I'll just have to be content with what the future holds for me," he said.

Seawell said "the most damaging blows yet given to the attempts on the part of people who, in good faith, seek to keep alive public education in the South have been given by Gov. Orval Faubus of Arkansas.

Court Backs New Orleans Park Mixing

WASHINGTON (AP) — The Supreme Court reaffirmed Monday its stand against racial discrimination in tax-supported facilities such as golf courses, parks and playgrounds.

The court rebuffed efforts of the New Orleans City Park Improvement Assn., a municipal corporation, to bar Negroes from using the city park. The park includes golf links, tennis courts, picnic grounds, boating and other recreational facilities.

The court did this by affirming a decision of the U.S. Court of Appeals in New Orleans. The appellate court has upheld issuance of an injunction by U.S. District Court in New Orleans giving Negroes use of the park facilities.

By affirming the appellate court, rather than merely refusing to review the case, the high court made it emphatic that it agreed completely.

In its decision, the appellate court noted that the courts have decided that the refusal of city and state officials to make publicly supported facilities available on a nonsegregated basis to Negroes deprives them of equal protection under the laws.

The appellate court remarked that the question has been decided "in too many cases for us to take seriously a contention that such decisions are erroneous and should be reversed."

SEGREGATION BAN FOR PARK UPHELI

High Court Affirms Decisior Directing New Orleans to Allow Negro Use

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Cites Prior Decisions

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The appellate court remarked that the question had been decided "in too many cases for us to take seriously a contention that such decisions are erroneous and should be reversed."

In its appeal, the Park Improvement Association challenged authorities on psychology who were cited by the Supreme Court in its 1954 opinion outlawing racial segregation in public schools.

Although it did not ask the high court to reverse itself in the school-segregation decision, the association insisted that the District Court in New Orleans be ordered to take experts' testimony in a trial of a Negroe's suit to win use of the park.

The Court of Appeals said in its ruling that Supreme Court decisions in park-use cases from Baltimore and Atlanta had been based on facts identical with those in the New Orleans case.

High Court Backs Park Integration

By KARL R. BAUMAN

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OTHER ACTIONS

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In other actions, the Supreme Court:

1. Agreed to rule on validity of a Baltimore ordinance which requires householders to admit health inspectors if the inspectors suspect unsanitary conditions exist.

2. Agreed to consider again the case of three persons convicted of contempt for refusing to answer in contempt cases. The Ohio Supreme Court reconsidered the case, but said it found nothing to warrant a change in its first judgment against the three men

Supreme Court Upholds Recreation-Bias Ban

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The Court of Appeals said in its ruling that Supreme Court decisions in park use cases from Baltimore and Atlanta were identical with the New Orleans case.

Supreme Court Brings America Face To Face With History

By JAMES MARLOW
Associated Press News Analyst

WASHINGTON (AP) — This is one of the important weeks in American history. The Supreme Court, meeting Thursday, must do two things:

1. Give a decision which will affect the whole course of public school integration.

2. Decide a critical principle in law enforcement: whether mob violence and community antagonism can block a court order.

Specifically, the court will only be hearing arguments on the Little Rock school board's request to delay integration in Central High 2½ years.

The reason: the opposition of Little Rock's white people to integration.

But the far-reaching effect of the Supreme Court's decision—whatever it is—can be seen from this:

Several federal district judges—faced with opposition to integration in their districts this year—indicate thye'll be guided by the court's decision.

Integration in Central High began last September under order of a federal judge. Then came mob violence and growing hostility in Little Rock.

Arkansas Gov. Orvla E. Faubus blocked the court order with National Guardsmen who kept Negroes out of the school. He said he did it to prevent violence.

Then, to back up the court order by seeing to it the Negroes got into school, President Eisenhower had to keep federalized National Guardsmen in Little Rock all year.

Some months ago the board asked, and got from, another federal district judge a 2½-year delay. This was overruled by the U.S. 8th Circuit Court of Appeals. Thus the case came to the Supreme Court for a final ruling.

The Circuit Court pointed out the broad implications of giving Little Rock a delay simply because of opposition to a court order by white people living there: "An impossible situation could develop. Every school district in which integration is publicly opposed by overt acts would have 'justifiable excuse' to petition the courts for delay and suspension of integration programs."

The court said a delay for Little Rock "would amount to an open invitation to elements in other districts to overtly act out public opposition through violent and unlawful means."

It so happens Little Rock's Central High provides a classic test of how long community opposition can delay a court order and hence law enforcement.

The reason: Integration didn't begin there haphazardly but carefully and according to prescribed conditions laid down by the Supreme Court.

The court, instead of saying integration had to begin everywhere at once, took into account the fact that getting it started one place might be more difficult than in another because of differences in public attitudes.

So it said integration must begin with "all deliberate speed"—a carefully vague phrase — and left it up to the various federal district judges to decide when integration in their districts should begin.

The federal judge in Little Rock didn't act arbitrarily. The school board worked on an integration plan which it felt could be carried out peacefully, starting in 1957 and ending in 1963. The federal district judge then, after consulting with the board, approved the plan and ordered it to begin last September.

It's possible—but highly unlikely — the Supreme Court will permit the public opposition in Little Rock to persuade it to grant the 2½ year delay.

It's possible—but perhaps unlikely—that the court will now spell out just what it means by the phrase "all deliberate speed" as a guide to federal judges who have to make decisions on when to integrate in their districts.

One thing is cretain: Although the Supreme Court outlawed public school segregation in 1954, integration has been far from speedy.

The New York Times reports that of 2,892 biracial districts in this country, only 792 have been integrated.

Rogers Raps Wild Attacks On High Court

WASHINGTON — (UPI) — Atty. Gen. William P. Rogers said Monday some of the recent attacks on the Supreme Court stemmed from misunderstanding of its functions.

The court's main duties, he told a meeting, are to interpret what Congress meant in passing legislation and to determine whether laws are constitutional.

He said the people through their representatives in Congress can change laws to nullify Supreme Court interpretations and can reject other decisions by amending the Constitution.

"Final power in all cases rests with the people of the U.S.," he added.

Rogers also said personal attacks on the integrity of the justices were inexcusable.

Judge Favors Limiting U.S. Court Jurisdiction

FORT WORTH, Tex., (AP)—A federal appellate justice said Monday Congress should step into the segregation troubles stemming from U.S. Supreme Court rulings.

Chief Justic Joseph C. Hutcheson Jr. of the Fifth U.S. Circuit Court of Appeals, New Orleans, told Fort Worth lawyers he personally did not like the Supreme Court's decision on integration.

The New Orleans court, however, has repeatedly followed the Supreme Court's integration rulings.

"I think Congress ought to come in (take a look at judicial power) every now and then and limit the jurisdiction of the Supreme Court," Hutcheson declared.

Speaking at a meeting of the Fort Worth-Parrant County Bar Assn., the justice added, however, that no one—including Congress—should tell the Supreme Court how to decide a matter.

On the other hand, he said such matters as labor disputes and segregation should be handled at the state court level "without dragging the federal court into the picture."

He said that the fact that the Supreme Court has reversed itself at times shows that the court can err.

"The Supreme Court should never do anything but settle the case that is before it at the time."

If a decision of the Supreme Court cannot be overruled then the court is placed in the position or given the power to rewrite the Constitution. That is something we should never have to live with."

High Court Hit In Judge Poll

By James
Staff Report

A total of 59 judges of lower Federal courts across the country have joined in the criticism of the Supreme Court made last summer by the Conference of State Chief Justices, the news magazine, U. S. News & World Report, says this week.

Another 50 Federal judges told the news magazine that they disagree with the state chief justices. The 109 were the only judges among the 351 polled by the magazine who chose to express an opinion on the action of the state judges.

The magazine sent letters to all judges of the District courts and the Circuit Courts of Appeals in September along with a copy of a report made to the Conference of Chief Justices in August.

The report expressed criticism of the Supreme Court for extending Federal power too far without proper judicial restraint. Too often, the report said, the Supreme Court has become a policy maker.

With the report, the magazine sent questionnaires asking the Federal judges to indicate anonymously whether they agree or disagree with the conclusions of the report.

The magazine reported in a copyrighted article yesterday these results:

	Number	Percentage
Judges polled	351	100
Judges responding	128	36.5
Judges agreeing with report	59	16.6
Judges disagreeing with report	50	14.3
Judges responding without opinion	19	5.4

From this tabulation, the magazine drew the conlusion that 54 per cent of the Federal judges who expressed an opinion agreed with the criticism of the Supreme Court.

The size of the response surprised observers here. Many judges around the country have sharply criticized the poll as highly improper and as an invasion of the judicial process.

Several local judges expressed that sentiment last week when inquiries here uncovered only two judges in the District who said they intended to answer the questionnaire. The magazine reported, however, that 10 judges from Washington responded and that 8 of the 10 approved the criticism of the highest court.

The response was heaviest from judges of 11 Southern states. The magazine said 50 per cent of the 66 judges from that area responded, and apparently 19 of them approved the critical report. Only a third of the judges elsewhere answered the letter and they split about even in their attitude.

The magazine called the response to the poll "very good" and quoted George Gallup, director of the American Institute of Public Opin-

ion, as saying that any mail poll which results in a response of more than 20 per cent is above average.

In a paragraph following Gallup's statement, the magazine said professional pollsters regard this poll "as providing a fair measure of opinion of all the judges polled."

Gallup disassociated himself from that statement yesterday. He said:

"There's always a question as to whether those who reply are typical of those who don't reply. That question has to be established by other types of research—either by personal interview with those who didn't reply or by increasing the returns as close to 100 per cent as possible."

THE WORLD TODAY

Integration Decision Comes On Thursday

BY JAMES MARLOW

WASHINGTON

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The reason: The opposition of Little Rock's white people to integration.

Several District Judges Will Be Guided By Ruling

BUT THE FAR-REACHING EFFECT of the Supreme Court's decision—whatever it is—can be seen from this:

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Circuit Court Pointed Out Broad Implications

THE CIRCUIT COURT pointed out broad implications of giving Little Rock a delay simply because of opposition to a court order by white people living there:

"An impossible situation could develop. Every school district in which integration is publicly opposed by overt acts would have 'justifiable excuse' to petition the courts for delay and suspension of integration programs."

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What's Meant By 'All Deliberate Speed?'

IT'S POSSIBLE—but highly unlikely—the Supreme Court will permit the public opposition in Little Rock to persuade it to grant the 2½-year delay.

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12d 1958

TODAY IN NATIONAL AFFAIRS

New Light On Private Schools

Supreme Court Has Ruled, In Effect, Girard College May Remain Segregated

BY DAVID LAWRENCE

WASHINGTON

THE SUPREME COURT of the United States has just ruled, in effect, that Girard College in Philadelphia may remain segregated—that it may close its doors to all pupils seeking admission unless they are "poor, white male orphans."

This ruling should be an eye-opener to those persons who have been saying that a private corporation in Arkansas or Virginia may not operate schools on a segregated basis.

The question of how much "state support" a private institution can enjoy and still be segregated has never been defined by court rulings. For a private college gets an exemption not only from real estate levies but also from income taxes. This is substantial "support" from the state.

The question of whether teachers who are on a state's payroll and who have time on their hands may volunteer their services, as a constitutional right in itself, has yet to be passed upon by the courts.

Leasing Of State Buildings Is An Unsettled Problem

WHETHER ANY STATE buildings may be leased to a private corporation is also an unsettled problem because the final test is whether the facility itself is publicly owned or controlled. A mere transfer of property to a private institution without any responsibility by the state for the further use of such property by a private corporation is not much different from the circumstances that existed in the Girard College case just decided.

For originally, under the terms of the 1831 will of Stephen Girard, the city of Philadelphia was to act as trustee for Girard College. The state passed laws empowering the city to do this. In 1957, however, both the state of Pennsylvania and the city of Philadelphia joined in declaring that the operation of the trusteeship was a form of "state action" and hence any discrimination as between whites and Negroes was a violation of the 14th Amendment, even though the will specified that only "poor, white male orphans" should be admitted. The highest court of Pennsylvania did not so regard it, and the case went to the Supreme Court of the United States, which decided on April 29, 1957, that as long as the city of Philadelphia was the trustee, no discrimination could be practiced. Refusal to admit Negroes was held to be unconstitutional because the city is an instrumentality of the state of Pennsylvania.

The management of Girard College then asked the Orphans Court in Philadelphia to name 13 private trustees, instead of the city of Philadelphia. This was done, and the case was again taken to the courts. The Pennsylvania high court approved the transfer. Then the Supreme Court of the United States last June refused to review the case, which means it concurred in what the Pennsylvania court had decided. An application for a rehearing was made, but it was turned down on Monday of this week, thus disposing of the entire matter on a final basis.

Implications Of Action May Be Far-Reaching

BUT WHILE THE HIGHEST COURT here did not issue any opinion and merely denied a review, the implications of its action are bound to be far-reaching. A careful reading of the opinion handed down by the Pennsylvania high court—which presumably is the "law of the land" now in such matters—makes it clear that this court considered "segregation" an irrelevant issue. It declared that the only rights involved were those of the private college to fulfill the terms of a will under private trustees. The court added that there was no constitutional right on the part of any Negro student to admission to Girard College. In fact, the court said nobody except those children who were described in the Girard will had any constitutional rights of admission at all.

This means that, once an institution is prvately owned and operated, nobody has any constitutional right of admission if the management decides against such applicants. The fact that the buildings may have been leased from a state government or a county and are not owned by the private company may be attacked in later litigation in Arkansas and Virginia, but it would appear that the courts have no constitutional right to interfere with the opening of private schools or their operation simply because they lease facilities from a state and pay the same fee others pay. The avowed object could be to carry on segregation. The right of the private institution to decide who shall or shall not enter its classes is plainly upheld now by the Supreme Court of the United States in its ruling on the Girard College case. The words of the Pennsylvania high court's opinion are in this respect significant. The court said:

"Furthermore, if all that is necessary to constitute a denial of equal protection of the laws in violation of the 14th Amendment is state action and a racial or religious discrimination, then no private charity created by will can any longer dispense its benefits on the basis of race, creed or color according as its settlor has stipulated. . . .

"What keeps such a charity, so created and restricted, from constituting a violation of the 'equal protection' clause of the 14th Amendment is that no one who does not come within the settlor's definition of beneficiary has a constitutionally protected right—or any right for that matter—to share in the charity's benefits."

SUPREME COURT

HARLAN DEPLORES 'ABUSE' OF COURTS

Justice Calls Large Part of Criticism of High Bench 'Ill-Informed, Unjust'

BACKS REFORM IN STATE

Urges Lawyers Here to Give 'Massive Support' to Plan for Judiciary Change

By RUSSELL PORTER

Associate Justice John M. Harlan of the Supreme Court said here last night that a large part of recent criticism of the courts, especially of the Supreme Court, had been ill-informed.

In a speech prepared for the golden anniversary dinner of the New York County Lawyers Association at the Waldorf-Astoria Hotel, the justice characterized some of the criticism as "unworthy," "unjst" and irresponsible abuse".

At the same time he conceded that 'much of the criticism had been "thoughtful and worthwhile." He said dispassionate criticism was welcome, and the Supreme Court should never be immune from criticism.

The Supreme Court has been accused of usurping legislative powers of Congress and the states in some of its decisions on communism and racial segregation.

Justice Harlan declared that criticism of the courts had reached an "extent seldom experienced." It was often of the type "more usually associated with the heat and excesses of political campaigns than with the administration of justice," he commented. Some of it, he said, came from persons "who should know better."

Reports Often Inaccurate

Part of the present "confusion," he asserted, was caused by "inadequate and sometimes inaccurate portrayal" of the Supreme Court's decisions.

"Too often such accounts bear little resemblance to the actual opinion of the court," he said. "When that occurs a serious disservice to the administration of justice is done, since the general public and, I daresay, even many lawyers either do not have the opportunity or do not take the trouble to read the opinions of the court and thereby inform themselves what was actually decided in particular cases."

Justice Harlan urged the bar associations to appoint committees to issue brief, simply written and objective authoritative accounts of Supreme Court decisions to the press from time to time. He said such accounts would help prevent abuse of decisions by those displeased with them or with "special axes to grind."

Justice Harlan, a former practicing lawyer in New York and former Assistant United States Attorney here, also spoke on New York court reform. He declared that modernization of the state's judicial system was "long overdue."

Reform Drive Is Urged

He urged the bar association to give court reform "massive support," and singled out for mention (without directly endorsing it) a court reorganization plan recently proposed by the State Judicial Conference, headed by Chief Judge Albert Conway of the Court of Appeals, the state's highest court.

The speaker said delay in meting out justice was a serious problem both in state and Federal courts. To obtain more prompt justice, he said, there should be "imaginative" administration of the courts to fully utilize the capacities of judges, as well as more judges with more adequate staffs. He urged lawyers not to "clutter up" the courts with "improvident" litigation and delaying maneuvers.

He called on the bar to speak out with "a unified and insistent voice" for high quality in judicial nominations and appointments. However judges are selected, he said, their choice should be divorced as far as possible from all political considerations.

Justice Harlan was introduced by Arthur H. Schwartz, president of the association. Mr. Schwartz announced Justice Harlan's election by the board of directors as an honorary member of the board. The justice is a member of the association and a former board member.

Dozen Racial Cases Top Supreme Court Docket

By PAUL M. YOST

WASHINGTON (AP)—The U.S. Supreme Court opens its fall term Monday with 12 racial cases on appeals already on file and more expected as some Southern states try to maintain segregated schools.

Lawyers foresee considerable legal maneuvering ahead despite the tribunal's emphatic declaration in its recent special session against evasive schemes to avoid racial mixing in the classrooms.

Segregation cases now in the lower federal courts, plus new legal moves expected this fall and winter, are almost certain to reach the high tribunal on appeal in the 1958-59 term that runs until next June.

Gov. Orval E. Faubus of Arkansas, a key figure in the special session arguments, had filed a new appeal that is likely to get early attention from the nine justices in the new term.

Faubus asks the court to declare invalid an injunction issued to block use of Arkansas National Guardsmen to preserve segregation at Central High School in Little Rock in September 1957.

U.S. Dist. Judge Ronald E. Davies issued the injunction and Faubus ordered the Guardsmen withdrawn. When rioting followed, President Eisenhower sent in federal troops and federalized the Guard to protect Negro students at the school.

In his appeal, Faubus contends Davies acted without legal authority. Further, the governor says, the Justice Department had no right to ask Davies to issue the injunction.

Other racial appeals filed during the court's summer recess seek reversal of these lower court rulings:

Alabama's school placement law is valid since it provides for admission of qualified pupils on the basis of individual merit and without regard to race.

Three Virginia laws aimed at the National Assn. for the Advancement of Colored People violate the U.S. Constitution's guarantees of equal protection and due process of laws.

White tenants of a New York apartment building may not intervene in a state court proceeding in which a landlord was directed to rent to Negroes.

North Carolina's literacy test for voters does not discriminate against Negroes because it applies to all persons who wish to register.

A Memphis Negro could not sue to bar enforcement of a Tennessee bus segregation law because he had failed to show any legal injury to himself.

A Louisiana requirement of certificates showing eligibility and good moral character to win admission to state institutions of higher learning is invalid. Negroes contended the requirement violated their constitutional rights.

The Delaware State Board of Education must prepare a plan for desegregation in all school districts of the state which have not admitted Negroes. The board contended authority to desegregate rests in local school boards.

The New Orleans City Park Improvement Assn., a municipal corporation, must allow Negroes to use a golf course and other park facilities it manages.

A refusal by Virginia state courts to void subpoenas issued by a state legislative committee to get names of NAACP members and other information. Virginia says the NAACP's appeal in this case should be dismissed because the committee no longer exists.

Pennsylvania Supreme Court approval of the naming of private trustees for Girard College in Philadelphia, a school established for white male orphans under the 1830 will of Stephen Girard. Negroes sought admission when public trustees administered the school. The U.S. Supreme Court last June refused to review the state court approval. Counsel for the Negroes say the high court should now reverse itself and rule on their efforts to win admission.

In all of these cases the high court has the choice of disposing of appeals by merely denying hearings to applicants. Or it may grant hearings and later in the fall set dates for the appearance of attorneys for the litigants.

In a twelfth case with racial connotations, the Supreme Court has already granted a hearing. Last June 9 the court agreed to rule on an appeal by David H. Scull, a Quaker of Annandale, Va. Scull was convicted of contempt, fined $50 and given a 10-day jail sentence for refusing to answer questions asked by a Virginia racial investigation committee.

The committee was named in 1956 to investigate activities of the NAACP and other organizations involved in racial litigation. Scull refused to say if he was associated with the NAACP or other organizations.

What High Court can do Sept. 11

WASHINGTON

When the United States Supreme Court convenes again on Sept. 11, it will be called upon to decide whether seven youngsters, who attended Central High School last year, will be premitted to enroll this year.

In compliance with a federal court order, the children were enrolled in Central last September. But when they appeared on Sept. 3, National Guardsmen, on the orders of Gov. Orval Faubus, refused them entrance.

The school board secured from Federal Court an injunction preventing the governor from interfering with lawful integration of Central High.

* * *

BUT WHEN the youngsters appeared the second time, a mob broke through police lines and circled the school. School administrators asked the children to leave for their own safety.

President Eisenhower then dispatched the 101st Airborne paratroopers to Little Rock after federalizing the Arkansas National Guard. The Army patrolled the corridors inside Central, while the federalized guardsmen were detailed on the outside.

Later the paratroopers were withdrawn and the whole guard remained until the end of the school term.

* * *

THEN IN July, the Little Rock school board petitioned the Federal court, then presided over by Judge Harry J. Lemley of Hope, Ark., to resegregate Central High by sending the seven remaining colored children back to a jim crow high school.

Judge Lemley granted the school board's request, denying the children the right to attend an unsegregated high school for 2½ years.

The NAACP appealed to the Supreme Court to upset Judge Lemley's ruling, but the Supreme Court refused. Instead it directed the 8th U.S. Court of Appeals to grant a prompt hearing to the NAACP appeal.

* * *

ON AUG. 11, the appellate court in a 6 to 1 ruling said that Judge Lemley was wrong, but after giving its decision, turned around and granted the school board a 30-day delay.

This delay, in effect, upheld Judge Lemley's ruling for 30 days by denying the Little Rock Seven the right to register at Central High when it opens on Sept. 8.

The NAACP's Thurgood Marshall thereupon filed a petition with Associate Justice Charles E. Whittaker to upset the appellate court's 30-day delay and to hold up Judge Lemley's order.

THESE WERE the only two questions to be decided by the Supreme Court when it met Aug. 28. If granted, it would mean that there would be no further barriers to the Little Rock Seven's readmission to Central High.

But the Supreme Court decided not to limit its consideration of the Little Rock matter to the two questions.

It will pass on the 8th Circuit Court of Appeal's decision knocking out Judge Lemley's resegregation order. The Court also could:

1. Draw a clearer picture for District Courts of what it meant by "all deliberate speed."

2. State once again that the threat of mob violence is no legal excuse to deny a citizen rights guaranteed to him by the Constitution.

3. Restate its 1955 admonition that no delay can be granted a school district which has failed to make "a prompt and reasonable" start toward integration.

4. Hold that state laws providing for the closing of an integrated school offer no legal reason to delay a Federal court order for integration.

SEEN AS being of greater significance was Chief Justice Warren's invitation to Solicitor General J. Lee Rankin to offer a brief and make oral argument during Thursday's hearing.

This means that the Executive Branch of the Government for the first time will be on record as either favoring or opposing the 1954 school integration decision.

While saying it was his sworn duty to uphold the law, President Eisenhower has consistently refused to state whether or not he personally believed in it.

Majority Answering Magazine Poll Agree With State Chief Justices

WASHINGTON, Oct. 19 (AP)—The magazine U. S. News and World Report said today a majority of Federal judges willing to express an opinion in response to its inquiry are critical of the Supreme Court.

The magazine wrote letters to the 351 active and retired judges of U. S. district and circuit courts, asking their attitude toward a report approved 36-8 last August by state chief justices.

That report said the Supreme Court "too often has tended to adopt the role of policy maker without proper judicial restraint." It also said that in many cases the high court "has assumed what seem to us to be primarily legislative powers."

U. S. News and World Report wrote to the 351 judges, asking them to indicate only whether they agreed or disagreed with the chief justices' 11,000-word document, copies of which were enclosed. They were promised that replies would be kept confidential.

In a copyrighted article summarizing the results of its survey, the magazine says in its current issue:

"Replies were received from 128 judges, or 36.5 per cent of those polled. Replies were representative of all regions and of the full membership of judges of the U. S. District Courts as well as of judges of the U. S. Circuit Courts of Appeal.

"Of all those who answered the questionnaire:

"—46 per cent expressed agreement with the conclusions of chief justices of state supreme courts.

"—39 per cent disagreed with the state chief justices.

"—15 per cent preferred not to express any view."

The magazine said the percentage of those voicing agreement with the state chief justices, among those willing to express an opinion, ranged from 80 per cent in Washington, D. C., to 55.5 per cent in the Southern states and 42.4 per cent in states outside the South.

Supreme Court will hear further argument Sept. 11

By LOUIS LAUTIER

WASHINGTON (NNPA) — "You don't close the banks. You put the bank robbers in jail."

With that logical argument by the NAACP's Thurgood Marshall the Supreme Court, meeting in a historic August term, indicated Thursday that it will settle once and for all the question of integration in Little Rock public schools.

At the hearing scheduled for Sept. 11, the court will have before it the question of whether the Eighth U.S. Court of Appeals was legally correct in upsetting the 2½ year delay granted the Little Rock school board by Federal District Judge Harry J. Lemley.

* * *

THE QUESTION before the court Thursday was whether it should allow the Little Rock Seven to return to their classes in Central High School without delay.

If it did, this would mean upsetting a 30-day delay granted by the appellate court in the enforcement of its order. This was done without granting the NAACP an opportunity to argue against such a postponement.....

If the Supreme Court should rule that mob violence is not sufficient reason to nullify court orders as did the appellate court, the Little Rock school board then would have to admit the Little Rock Seven at once or face contempt proceedings.

* * *

One of the nine, Ernest Green, graduated from Central High last May and is entering Michigan State University this fall. Another, Minniejean Brown, who was expelled for a year, is eligible to return to Central High but will continue her studies in a private school in New York.

The lawyers in the case were agreed Thursday that consideration of the petition of the NAACP to stay the lower Federal court orders also involved a consideration of the merits of the case.

The only difference among them was that Richard C. Butler, attorney for the school board, said he needed additional time to prepare the petition for a Supreme Court review and a supporting petition because of his unfamiliarity with the Supreme Court procedure and decisions.

Thurgood Marshall, NAACP attorney, and Solicitor General J. Lee Rankin were ready to argue the merits.

Mr. Rankin urged the court to consider the case on the merits with only the NAACP petition before it because there was no probability that the Court of Appeals will be reversed.

* * *

AFTER LISTENING to arguments for three hours and being in conference for an hour and 45 minutes, the court decided to hear the case on its merits at noon, Sept. 11.

The order of the court was announced by Chief Justice Earl Warren at 5:10 p.m. The court had recessed at 3:35 p.m. until 4:30, but the justices were 40 minutes late while the lawyers in the case and a crowded courtroom with standees anxiously awaited their decision.

During the argument of the case, Mr. Butler told the court that there was pending in the Arkansas legislature a bill to postpone the opening of Little Rock schools until Sept. 15.

The schools were due to open on Sept. 2, but the school board postponed the opening of all Little Rock schools until Sept. 8.

The Legislature gave final approval to the bill postponing the opening until Sept. 15, but Gov. Orval Faubus of Arkansas indicated at a news conference in Little Rock that he would not sign the measure until the court disposed of the Little Rock case.

The court, however, was assured during argument that Central High would not open until Sept. 15.

* * *

PROMPTLY at noon, Thursday, the nine black-robed justices took their places in the courtroom. The courtroom had been crowded long before they marched in.

Most of the space was taken up by members of the Supreme Court bar, lawyers who were not members but had wangled their way into the courtroom, and other persons who did not have to take places in the long line outside waiting to get in.

Not only was every seat taken, but even reporters were standing in a corridor just outside the court where they could both see and hear. Other standees were in the back of the courtroom. Outside, a long line of standees had been there since early morning waiting for some people to leave the courtroom so that the vacated places could be taken.

The Chief Justice announced the order of argument. Mr. Marshall, representing the petitioners, was to lead off. He was followed by Mr. Butler. The Solicitor General was third, and both Mr. Marshall and Mr. Butler were given permission to present rebuttal to Mr. Rankin's argument if they so desired.

Mr. Rankin joined Mr. Marshall in urging that the court set aside the orders of the lower courts which would return Central High from an unsegregated to a segregated school. At the end of Mr. Rankin's argument, Mr. Marshall had no rebuttal argument to offer, but Mr. Butler attempted to riddle Mr. Rankin's argument.

Mr. Butler argued in rebuttal that there was an inconsistency in Mr. Rankin's urging the court to render a definitive decision and at the same time stating that a review of the Court of Appeals decision should be denied.

He also said he did not quite get the consistency of statements in the brief filed for the United States as a friend of the court and Mr. Rankin's concession that the Little Rock school board had acted in good faith.

"Mr. Butler, isn't there a difference between good faith in the sense of sincere, honestly entertained conviction, and good faith in throwing up your hands and saying, 'We can't do anything against force?' " asked Justice Felix Frankfurter.

"Yes, sir, I think a distinction could be made there, Your Honor, I do indeed," admitted Mr. Butler.

* * *

"MAY I ASK, do you conceive of this as being a charge merely that the school board of Arkansas has denied eqkual protection?" asked Justice Hugo Black.

"Well, of course, it is the school board that takes the brunt of it, and the charge is that the school board—some people have made the charges and I understand that from the Solicitor General—that the school board hasn't done everything it should," Mr. Butler replied.

"Now, the fact is, the realities of the situation are that the NAACP which has rather vast resources and certainly able legal counsel, had a perfect right to come in and ask for injunctive relief and it did not do so.

"The Justice Department had every right to put forth any criminal actions that were in order, and it did not do so, and now we have the President of the United States saying that the process should go slower, if we are to read the newspapers accurately and if the newspapers reported it accurately."

* * *

BEFORE THE arguments began, Mr. Butler called to the attention of the court a motion filed by Senator J. William Fulbright, (D., Ark.), for leave to file a brief in support of the Little Rock School Board.

The Chief Justice said the court would act upon Senator Fulbright's requisition and also another motion for leave to file a brief.

Senator Fulbright sat at the counsel table but declined the invitation of Mr. Butler to participate in the oral argument. He said he was not prepared.....

Senator Fulbright is particularly interested in the case because of the big majority Gov. Faubus got in the Arkansas gubernatorial primary, and he fears that Faubus may run against him for the Senate in 1962.

Asked by the Chief Justice if he wished to move the admission to the Supreme Court of any of his associates in the case, Mr. Butler replied that John Haley, a Little Rock attorney, was substituting for A.F. Counsel, and also with him was the president of the Little Rock school board, Wayne Upton, but he did not move their admission.

* * *

WITH Mr. MARSHALL was Wiley Branton, Pine Bluff, Ark., lawyer, but he did not take part in the oral argument.

"Mr. Marshall," called out the Chief Justice.

The NAACP lawyer strode to the lectern and opened argument.

The August Special Term was made necessary because of the fact that the constitutional right of seven colored children to attend Central High was being denied by court order.....

The rights the NAACP is seeking to protect, he said, are those which were determined by the Supreme Court in the school segregation cases in 1954.

The normal procedure, he said, would have been for Judge Lemley to have stayed his order. He declined to do so.

The Court of Appeals, in unequivocal language, reversed the order of Judge Lemley granting the two and a half year delay, he said, but withheld its mandate to give the Little Rock school board time to seek a review by the Supreme Court.

* * *

IN A PETITION addressed to Supreme Court Justice Charles E. Whittaker, the NAACP asked the high tribunal to vacate the order staying the mandate of the Court of Appeals and also vacate the order of Judge Lemley granting the delay.

The objective of the proceedings, Marshall said, is that the Little Rock schools be returned from a desegregated to a segregated basis when schools re-

open in September.

"It is quite obvious that any time spent in delay in this matter," said Marshall, "would bring about not less litigation but more litigation."

Marshall said he took the position that the opinion of the Court of Appeals was so clear that the school board has nothing that it could successfully bring to the Supreme Court.

* * *

IN HIS main argument, Mr. Butler ran into a barrage of questions at the outset.

"Mr. Butler, may I ask you this question? In view of the opinion of the Court of Appeals overruling Judge Lemley, is the school board acting under any compulsion to desegregate the schools?" Chief Justice Warren asked.

"No, sir, not at the moment, if I understand Your Honor's question," replied Butler. — "They are not acting under any compulsion."

Butler then told the court that the school board had postponed the opening of Little Rock schools to September 8.

"Mr. Butler, may I ask one other question? Has the school board determined what it will do towards desegregation or toward leaving the matter as it was last year, in the event this court declines to grant the stay?" Chief Justice asked.

* * *

"NO, SIR," replied Butler, "it has not decided because it is almost compelled to see what statutes are passed by the General Assembly now in session, and various other things which it has no way of determining. And this school board, no doubt, will have to meet those situations as they arise, as they have had to do all the past year."

"Well, as to these specific children, have they been assigned to any schools?" the Chief Justice asked.

"Yes, sir, they have now been assigned."

"Now?" asked the Chief Justice.

"To the all-Negro schools, the new high school there of Horace Mann," Butler replied.

"Isn't that action toward segregating them again?" the Chief Justice asked.

"Oh, yes, sir, it is it is, and that was done under the order of Judge Lemley's decision," Butler replied.

* * *

"WELL, THEN, my point is this: If this court does not stay the order of the Court of Appeals withholding its mandate, then the school board will proceed to segregate these pupils, who are plaintiffs in this case," said Chief Justice Warren.

"Yes, sir," replied Butler.

In reply to Justice Tom Clark, Butler said Little Rock has a system for transferring pupils from one school to another for various reasons.

"Do they ever transfer any colored children in Little Rock to a white school, or whites to a colored school by reason of their moving their residence?" asked Chief Justice Warren.

"Mr. Chief Justice, in Little Rock," Butler replied, "until this past year—"

"Yes," interrupted the Chief Justice.

"And for the past seventy years, ever since there has been a public school system in Little Rock," Butler went on, "it has been segregated, in the public school system there, so there has heretofore never been any transfer from Negro schools to white schools, or vice versa."

* * *

MR. BUTLER told the court that the Little Rock school board had discovered that they could not operate a public school system in Little Rock under the existing climate there as or now.

Justice Frankfurter asked Mr. Butler why had not the national policy laid down in the decisions in the school segregation cases been carried out in Little Rock after the school board had submitted a plan for gradual desegregation, had its plan approved by lower Federal courts, and had enlisted public support for it.

"I do not understand what is meant by saying, 'Let's wait until we get a national policy," Justice Frankfurther said, referring to Mr. Butler's argument that the people in Little Rock were in actual doubt as to what the law was and wanted to wait until a national policy could be definitely established.

* ** *

REPLYING to Justice Frankfurter, Butler said "it was certainly not anticipated at the time that the plan was formulated that the Governor of Arkansas would call out troops to keep integration in the schools from taking place."

"The Governor's calling out troops isn't the same thing as the uncertainty of what the law is," remarked Justice Frankfurther, adding:

"That has nothing to do with uncertainty of the law. That was the action of the Governor on what he thought was his refusal to abide by the law."

Butler replied that the school board was faced with realities, and Justice Frankfurter said he did not mean to imply any criticism of the school board.

* * *

CHIEF JUSTICE WARREN told Mr. Butler that no member of the court failed to recognize the very great problems which the Little Rock board has.

"But can we defer a program of this kind merely because there are those elements in the community that would commit violence to prevent it from going into effect?" Chief Justice Warren asked.

"I think so," Butler replied, 'but not directed to the people who form mobs, not directed to people who are law defiers. We are not standing up here trying to argue for their side of it."

Mr. Butler added that he was arguing for the great mass of people in the South, who want to follow the law, "but they as of this moment, without certain state statutes having been tested in court, do not know just exactly what the law is in a particular given circumstance."

* * *

"IS IT STATE law that concerns you or is it the threatened violence that concerns you?'" the Chief Justice asked.

"Both, both," Butler replied.

"So long as the state laws conflict with the Federal laws, you would think there should not be any integration?" the Chief Justice asked.

"No, sir, no, sir, I do not feel that way," Butler replied.

Butler said there were certain laws, such as pupil assignment laws which have recently been passed, and one of them recently upheld by a three-judge Federal court in Alabama.

He said the Arkansas pupil assignment law contained no provision for assignment of pupils on the basis of race, "but it does contain some other things." This remark brought laughter in the courtroom.

* * *

BUTLER PLEADED for a delay to give the people of Little Rock an opportunity "to think in a period of calm rather than a period of hysteria."

If the court put the Little Rock school situation back into the status it was before Judge Lemley's order delaying integration, he said, it would serve no useful purpose.

"There would be troops back in Little Rock to maintain law and order," he said.

"Why do you say that?" asked Justice Charles E. Whittaker, almost leaping out of his chair.

"I am expressing the opinion of the school board," Butler replied. "In its considered judgment, the school board feels that is what would happen."

Sharply at 2 p.m., the court recessed for lunch. It returned at 2:30 p.m., and Butler went into his rebuttal to MHr. Marshall's argument.

'Just Turn the Sign Around'

The Rule of Law

The great issue that was debated before the Supreme Court of the United States at its historic and extraordinary session last week went far beyond the simple question of whether the schools of Little Rock would reopen next month on an integrated or a segregated basis.

This was and is an important matter, but even more important is the question whether or not decisions of the Supreme Court may be nullified through a process of indefinite delay brought about by violence that the local authorities themselves—in this case the Governor—have instigated and perpetuated. In his eloquent presentation to the high tribunal, the Solicitor General of the United States not only helped to re-establish the moral and legal authority of the Federal Government but also put the issue in a nutshell: "We insist that there must be a rule of law."

It was an excellent thing that the Supreme Court had asked the Government to take part in the argument and that Solicitor General Rankin, speaking with the prior endorsement of the President, said what he did. Mr. Eisenhower's unfortunate refusal to express approval or disapproval of the 1954 decision on desegregation of the public schools had seriously weakened the Administration's moral position despite the President's emphatic reiteration of the necessity for obedience to the law.

The Solicitor General wisely spoke of the "duty" the people of Little Rock—and by extension, of the South—have to help Negro children achieve their constitutional rights, in this instance "the right to enter a school that isn't segregated." Mr. Rankin observed that "if you each these children in Little Rock or any other place in this country that as soon as you get ome force and violence, the courts of law * * * re going to bow to it * * * I think that you destroy the whole educational process then and here." And, he added, "I am confident that as he years go by, the people of the South * * * vill realize that they have a stake in each American citizen being a full citizen with full and complete rights like every other. * * * We are now at the crossroads in this important question."

It seems to this newspaper, too, that that is where we are. This is a government of law, operating under a rule of law. The highest judicial authority is the Supreme Court, and it has interpreted the Constitution in a given way on the question of segregation in the public schools. It has not required an overnight revolution in public thinking in order to implement this policy. It has taken sympathetic cognizance of the enormous difficulties facing the South in carrying out its decision. The lower Federal courts are leaning over backward to grant time for readjustment and understanding. But, as Mr. Rankin noted, "there must be a start."

If the Governor of Arkansas, inflated by his recent electoral success and backed by a subservient Legislature, refuses to make a start in enforcing the law, he must be faced with the full moral as well as legal authority of the Government of the United States. And so must the Governor of any other state who does the same. No one expects complete educational integration in the South tomorrow; but every American citizen who believes in his Government and who disbelieves in anarchy has the right to insist on acknowledgment of the law, on the moral obligation to begin to carry it out, and—as the Attorney General of the United States said the other day—on a recognition even by those who disagree with it, "of the wisdom and compelling need in the national interest of working out reasonable ways to comply."

High Court's 'Arrogance' Is Viewed By Northerner

Carleton Putnam, who wrote the following letter to President Eisenhower, is a member of the famous New England Putnam family, a native of New York City, a graduate of Princeton and Columbia, former vice president of Chicago and Southern Airlines (1933-1948), and is on the board of Delta Airlines. He recently published a widely-praised biography of Theodore Roosevelt.

* * *

Washington, D. C.
Oct. 13, 1958

The Hon. Dwight D. Eisenhower
President of the United States
The White House
Washington 25, D. C.

My dear Mr. President:

A few days ago I was reading over Justice Frankfurter's opinion in the recent Little Rock case. Three sentences in it tempt me to write you this letter.

I am a Northerner, but I have spent a large part of my life as a business executive in the South. I have a law degree, but I am now engaged in historical writing.

From this observation post I risk the presumption of a comment.

The sentences I wish to examine are these: "Local customs, however hardened by time, are not decreed in heaven. Habits and feelings they engender may be counteracted and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and education."

* * *

IT IS MY PERSONAL CONVICTION that the local customs in this case were "hardened by time" for a very good reason, and that while they may not, as Frankfurter says have been decreed in heaven, they come closer to it than the current view of the Supreme Court.

I was particularly puzzled by Frankfurter's remark that "the Constitution is not the formulation of the merely personal views of the members of this court."

Five minutes before the court's desegregation decision, the Constitution meant one thing; five minutes later, it meant something else. Only one thing intervened, namely, an expression of the personal views of the members of the court.

* * *

IT IS NOT my purpose to dispute the point with which the greater part of Frankfurter's opinion is concerned. The law must be obeyed. But I think the original desegregation decision was wrong, that it ought to be reversed, and that meanwhile every legal means should be found, not to disobey it, but to avoid it. Failing this, the situation should be corrected by constitutional amendment.

* * *

I CANNOT AGREE that this is a matter involving "a few states" as Frankfurter suggests. The picture in reality is of a court, by one sudden edict, forcing upon the entire South a view, and a way of life, with which the great majority of the population are in complete disagreement.

Although not from the legal, in fact from the practical, standpoint the North, which does not have the problem, is presuming to tell the South, which does have the problem, what to do.

To me there is a frightening arrogance in this performance. Neither the North, nor the court, has any holy mandate inherent in the trend of the times or the progress of liberalism to reform society in the South.

In the matter of schools, rights to equal education are inseparably bound up with rights to freedom of association and, in the South at least, may require that both be considered simultaneously. (In using the word "association" here I mean the right to associate with whom you please, and the right not to associate with whom you please.)

In any case the crux of this issue would seem obvious: social status has to be earned.

Personally, I feel only affection for the Negro. But there are facts that have to be faced. Any man with two eyes in his head can observe a Negro settlement in the Congo, can study the pure-blooded African in his native habitat as he exists when left on his own resources, can compare this settlement with London or Paris, and can draw his own conclusions regarding relative levels of character and intelligence—or that combination of character and intelligence which is civilization.

Finally he can inquire as to the number of pure-blooded blacks who have made contributions to great literature or engineering or medicine or philosophy or abstract science.

We were all in caves or trees originally. The progress which the pure-blooded black has made when left to himself, with a minimum of white help or hindrance, genetically or otherwise, can be measured today in the Congo.

Lord Bryce, a distinguished impartial foreign observer, presented the situation accurately in his American Commonwealth when he wrote in 1880:

"History is a record of the progress toward civilization of races originally barbarous. But that progress has in all cases been slow and gradual . . . Utterly dissimilar is the case of the African Negro, caught up in and whirled along with the swift movement of the American democracy. In it we have a singular juxtaposition of the most primitive and the most recent, the most rudimentary and the most highly developed, types of culture . . . A body of savages is violently carried across the ocean and set to work as slaves on the plantations of masters who are three or four thousands years in advance of them in mental capacity and moral force . . . Suddenly, even more suddenly than they were torn from Africa, they find themselves, not only free, but made full citizens and active members of the most popular government the world has seen, treated as fit to bear an equal part in ruling, not only themselves, but also their recent masters."

One does not telescope three or four thousand years into the 70 years since Bryce wrote.

* * *

I WOULD EMPHATICALLY support improvement of education in Negro schools, if and where it is inferior.

Equality of opportunity and equality before the law, when not strained to cover other situations, are acceptable ideals because they provide the chance to earn and to progress—and consequently should be enforced by legal fiat as far as is humanly possible.

Throughout this controversy there has been frequent mention of the equality of man as a broad

social objective. No proposition in recent years has been characterized by more loose thinking. Few of us would care to enter a poetry contest with a top-ranking poet. And few would care to play chess with the champion.

* * *

PIN DOWN THE MAN who uses the word "equality," and at once the evasions and qualifications begin. As I recall, you, yourself, in a recent statement used some phrase to the effect that men were "equal in the sight of God."

I would be interested to know where in the Bible you get your authority in Scripture for the concept of potential equality in the sight of God—after earning that status, and with various further qualifications—but where is the authority for the sort of ipso facto equality suggested by your context? The whole idea contradicts the basic tenet of the Christian and Jewish religions that status is earned through righteousness and is not an automatic matter.

* * *

FRANKFURTER closes his opinion with a quotation from Abraham Lincoln, to whom the Negro owes more than to any other man. I, too, would like to quote from Lincoln. At Charleston, Ill., in September, 1858, in a debate with Douglas, Lincoln said:

"I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races; I am not nor ever have been in favor of making voters or jurors of Negroes nor qualifying them to hold office . . . I will say in addition to this that there is a physical difference between the white and black races which I believe will ever forbid the two races living together on terms of social and political equality. And in as much as they cannot so live, while they do remain together, there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race."

The extent to which Lincoln would have modified these views today, or may have modified them before his death, is a moot question; but it is clear on its face that he would not have been in sympathy with the Supreme Court's position on desegregation.

* * *

PERHAPS the most discouraging spectacle is the spectacle of Northern newspapers dwelling with pleasure upon the predicament of the Southern parent who is forced to choose between desegragation and no school at all for his child.

It does not seem to occur to the papers that this is the cruelest sort of blackmail; that the North is virtually putting a pistol at the head of the Southern parent in a gesture which every Northerner must contemplate with shame.

Indeed, there now seems little doubt that the court's recent decision has set back the cause of the Negro in the South by a generation.

He may force his way into white schools, but will not force his way into white hearts nor earn the respect he seeks.

What evolution was slowly and wisely achieving, revolution has now arrested, and the trail of bitterness will lead far.

Sincerely yours,
CARLETON PUTNAM.

Politicians still defy U. S. courts

(Editor's Note: This is the first of two articles on Virginia's explosive school segregation controversy. Rufus Wells, editor of the Richmond AFRO, has covered the school situation since the first suit was filed, from Prince Edward County, in 1951).

By RUFUS WELLS

A dark cloud of confusion hangs low over the Old Dominion State—cast by Virginia's stubborn refusal to accept the U.S. Supreme Court's mandate to desegregate its public schools.

A white minister was ousted from his church because he made a speech at a neighboring colored church.

Another white minister was fired by his trustee board because he dared to speak out in support of the high court ruling.

* * *

A COLORED tenant farmer lost his job and was evicted from his home shortly after he filed his intention to run for public office.

A white teacher in Covington, Va., was fired because he spoke out against racial segregation.

This is Virginia, 1958, the state that prides itself on being the cradle of Democracy.

The political machine that has long ruled with a gentle touch, has taken off the gloves in a desperate effort to stem the tide of the times, to save an outmoded bi-racial school system.

WOE BE UNTO the Virginian, white or colored, who dares speak out against the party line, which is couched in the phrase "massive resistance."

A rural minister strode into his bank to make the regularly scheduled payment on a note recently. The cashier advised him that the president of the bank wanted to see him.

The conversation went something like this:

Bank President: "Now, John, you have been doing business with us a long time. We have always been good to you, haven't we?"

Minister: "We've always been able to get along."

President: "Well, the board of directors has asked me to tell you your note here had been called in. That means you will have to pay it all in full, $700 dollars."

Minister: "But my note has 10 more months to run."

President: "Not now it doesn't. Since you have been mixed up in this integration business, they decided to call in the paper."

* * *

THE BANK president made it clear that they could continue to do business as usual, if the minister would "forget about this integration business."

Fortunately, the minister was able to borrow the money from another source and pay the bank.

But not all citizens have been as fortunate.

There are many thousands of Virginians who oppose racial segregation, but only a few have dared to speak out against it.

It has been said that if colored citizens are included, it is possible that an actual majority of Virginians are prepared to accept integration in the public schools.

* * *

BUT LEAVING out the colored citizens, most of whom are presumed to be in favor of desegregation, there are several white communities in favor of mixing the schools.

For instance, in Arlington County, just across the Potomac from Washington, the school board drew up a tentative plan for desegregation shortly after the Supreme Court outlawel jim crow schools.

It is significant that this was a school board appointed by citizens of the county and responsibile to the voters.

However, the state legislature quickly repealed the special law that permits Arlington to to elect its school board.

Now its board, like all others in the state, is appointed by the local judges, who are themselves appointed from Richmond.

FEARFUL THAT some locality would desegregate, the State seized control by passing its Pupil Placement Act, which placed the authority to assign pupils to a specific school to a State Placement Board.

In addition to Arlington, other counties expressing a willingness to integrate public schools include Norfolk, Charlottesville and Richmond.

The Richmond school board, which includes a colored member, Booker T. Bradshaw, insurance company president, was quietly at work on a pilot plan to desegregate certain schools, when the state snatched pupil assignment responsibility from the local boards.

The Norfolk School Board has made it clear that it will comply with a federal court order to desegregate certain schools.

IN CHARLOTTESVILLE, the school board had indicated its intention to obey a court order to integrate. At the same time it has gerrymandered its school districts in a effort to keep integration at a minimum.

Virginia faces the fall school term with a crazy quilt pattern which probably will result in integration in some areas and rigid segregation in others.

However, state law requires the closing of any desegregated public school.

It is at this point—when the schools actually close—that the white Virginians, who have so far remained silent, are expected to make themselves heard. Faced with the choice of no school for their children, or some measure of integration, large numbers of them are expected to prefer the latter.

This was indicated in a recent poll taken at Venable Elementary School in Charlottesville.

Parents voted three to one for integration as opposed to closing the school.

ROY N. PUCKETT, Richmond Public Schools Administrator, said recently, "It is inconceivable that any public schools will be closed for an appreciable period of time."

Governor J. Lindsay Almond, chief proponent of the massive resistance program, has indicated that he will enforce the state law requiring schools to close the minute they are integrated.

Almond went one step farther

Almond went one step farther. He said that white public schools with colored applicants on file would not be open this fall.

He said that this would be designed to forestall violence on school opening day.

ACTUALLY, hardly anyone expects violence to erupt from the school sgeregation controversy in September.

Despite defiant, if not inflammatory editorials in some daily newspapers, most Virginians have refused to become emotionally worked up about the situation.

Nevertheless, police officials are taking no chances. The superintendent of State Police disclosed recently that during the first two weeks of September, all leaves for state troopers have been cancelled.

Local police forces have also been taking special precautionary measures.

In Richmond, the police department has been given riot training to its officers throughout the summer.

* * *

FAIRFAX COUNTY has a special flying squad recently formed, to disperse crowds and to be on call at a moment's notice, for riot duty.

Arlington law enforcement officials have said they are prepared to maintain the peace in the county, 'come what may,' in September.

It is believed that most police departments will disperse crowds as they begin to appear at a school. They will not wait, as was done in Little Rock, until the mob has assembled.

What will happen then is anybody's guess. Virginia, attempting to provide the leadership it has long given the solid South, approaches the coming crisis, divided against itself.

(Next Week: SHOWDOWN IN CHARLOTTESVILLE)

Spelling Out Desegregation

In an opinion unanimously reaffirming its school desegregation decisions of 1954 and 1955, the United States Supreme Court has again laid down the law of this land for especial benefit of the nullifiers, the evaders, the race-rioters and the demagogues who incite them, headed up at the moment by the present Governor of the State of Arkansas and his Legislature.

Speaking through Chief Justice Warren—but with the names of each of the nine justices attached to the opinion to emphasize their unanimity—the court utterly rejects the anarchic theory that violence and disorder stimulated by actions of the Governor or other authorities of a state can be permitted to undermine the constitutional rights of citizens as defined by the high tribunal. It demolishes the subversive idea that state legislative, executive or judicial officers "can war against the Constitution" without violating their sacred oath to support it. It destroys the hope of segregationists that they might accomplish their aim of circumventing the law by transparent subterfuges, for example the leasing of public schools to "private" corporations, as was done in Little Rock yesterday in an action that will surely be overturned as illegal.

Finally, the high court restates once more the doctrine of constitutional supremacy and the basic principle, recognized as fundamental to the American system of government ever since the days of John Marshall, "that the Federal judiciary is supreme in the exposition of the law of the Constitution." It should not be necessary in this year of 1958—but it apparently is—for the Supreme Court to have to issue a reminder that "the interpretation of the Fourteenth Amendment enunciated by this court * * * is the supreme law of the land, * * * of binding effect on the states, 'anything in the Constitution or laws of any state to the contrary notwithstanding.'"

Chief Justice Warren and his eight colleagues have made it clear to the Governor and Legislature of Arkansas, the Governor and Legislature of Virginia and the Governor and Legislature of every other state that is attempting to sabotage the school desegregation decision, including those of the Deep South, that there is no hope that the law can be permanently deferred. While there is also no lack of sympathy for the difficulties involved in effectuating the social revolution required by this decision, the one thing that cannot and will not be condoned is deliberate, purposeful, unreasoning blockade, especially when advanced by state and local authority. Every consideration will be given—as indeed it already has been—to local conditions and problems. The progress that has been made in many border states attests to this fact. There is no judicial sanction for undue haste; but there is no judicial toleration of arrant defiance either.

Yesterday's decision simply reiterates in strong and clear language, understandable even to the most fanatical segregationist, that the Supreme Court's interpretation of the Constitution is the law, that the desegregation decision stands, that neither direct nullification nor indirect evasion will be tolerated, that state officers are as subject to Federal law as anyone else, that violent resistance to this law is futile—but that the establishment of full integration in the public schools of our nation will be effected with full understanding of local situations that in many parts of our country will make it necessary for years to pass before its complete accomplishment. We believe the number of citizens in the South is increasing daily who would prefer to have integrated public schools in the long run than no public schools at all.

Score Current Attacks On U. S. Supreme Court

NASHVILLE, Tenn. — The board of directors of the Southern Conference Educational Fund, Inc., meeting here recently declared that "current attacks on the Supreme Court, accompanied by the closing of schools in Arkansas and Virginia, are un-American and essentially seditious."

The leadership of the Southwide organization expressed pleasure "that the federal government is responding to the will of the people in the best American tradition."

The SCEF board said the government was doing this by "insisting on obedience to the organic law of the land as interpreted by the Supreme Court, and by urging that our system of public education be kept in full and uninterrepted operation."

"Kentucky, Maryland, Oklahoma, West Virginia, and Tennessee, which are equally as Southern as Arkansas and Virginia, have demonstrated the possibility of peaceful compliance with Supreme court orders", the board said. "In these states, leadership on the state level took a constructive attitude instead of obstructing and nullifying the good faith efforts of local school boards."

The board members also voted to "highly commend and vigorously support the 210 Negro leaders from all over the South who protested the actions of the House Committee on Un-American Activities in Atlanta, Ga., in July."

This referred to a hearing July 30 to which the House Committee summoned Carl Braden, Louisville integrationist and SCEF field secretary, to question him about his activities in the South. Braden told the committee that his beliefs, activities, and associations were none of the committee's business.

Another witness who refused to answer questions at the Atlanta hearing was Frank Wilkinson, Los Angeles, secretary of the Committee to Preserve American Freedoms. H had been invited to Atlanta by SCEF officials to observe the operations of the House Committee.

The SCEF board said: "Braden and Wilkinson believe in true Americanism and would welcome a bona fide investigation of such current, widespread un-American activities as the burning of churches and synagogues, harrassment of Jews and Negroes, restrictions of the right to vote by intimidation and otherwise, and the denial of the rights of free assembly and free speech.

"We regard it as a contradiction in terms to castigate as un-American people who support the constitution as defined by by the courts and who believe our differences should be settled peaceably in the courts. On such grounds, we support Braden and Wilkinson in their stand."

The SCEF board further voted to assist in a nationwide movement to modify Senate Rule 22 to limit filibustering. The board noted that filibustering is the principal device used by Southern Senators to defeat civil rights legislation.

SCEF will circulate a petition all over the South to modify Rule 22. The petition will be presented to the Senate at the opening of the 86th Congress in January in support of senators cooperating with the AFL-CIO to change Rule 22.

Eleven members were added to the biracial SCEF board: the Rev. F. L. Shuttlesworth, Birmingham, president of the Alabama Christian Movement for Human Rights; Miss Corinne Breeding, Oklahoma City businesswomen; the Rev. W. W. Finlator, Baptist minister of Raleigh, N. C.; Bishop Frank Madison Reid, Kittrell, N.C.; Dr. Elinor Behre, Scientist, Black Mountain, N. C.; the Rev. Sherwood S. Davis, Methodist minister, Austin, Texas; Dr. Samuel Newman, pediatrician, Danville, Va.; the Rev. A. E. Campbell, president of the Tennessee Reg-

uar Baptist State Convention, Memphis; Mrs. Willie Miles, integration leader, Knoxville, Tenn., and Jimmy Stewart, newspaper columnist and president of the Oklahoma City N.A.A.C.P.

Today in National Affairs

Indiana Judge Offers Plan In 'Law of Land' Dispute

By DAVID LAWRENCE

WASHINGTON, Sept. 23.—Judge Norman F. Arterburn of the Supreme Court of Indiana has come forward with a novel solution to the controversy that has arisen as a result of recent decisions of the Supreme Court of the United States.

The Indiana jurist who has served a term as Chief Justice under the rotating system in Indiana, was responsible for the resolution, presented a year ago at the Conference of State Chief Justices, which resulted in a comprehensive report approved last month by thirty-six of the state Chief Justices, criticizing decisions of the nation's highest court. He recommends now that there should be a new court set up by constitutional amendment which would be known as the "Court of Constitutional Definition."

Lawrence

In a letter to this correspondent, Judge Arterburn presents a plan which, if it had been in effect in 1954, would have prevented the present dispute on the legalities of the segregation-integration question from developing at all. His letter makes no mention of this issue but is confined solely to recent reversals of its own rulings by the Supreme Court of the United States in cases concerning Federal-state relationships.

"Not only lawyers, but thinking laymen all over the nation," writes Judge Arterburn, "are disturbed by the tendency to regard the individual philosophy of the judges of the United States Supreme Court as the 'law of the land' and a substitute for stable and fixed principles of construction and interpretation of the Constitution. When long-established decisions and precedent are overturned, we lawyers and judges find ourselves in an uncharted sea with nothing to guide us, subject to the vagaries of a dislocated compass. . . .

Cites "Framers"

"The framers of our Constitution did not conceive of the organic structure of our government as a piece of putty that could be moulded and shaped as times changed until it no longer resembled the original framework. They felt they were building a structure of solid permanency with the opportunity to remodel or make additions through the amending clause only. There has, however, developed in this country a legal theory that the Constitution should be stretched to meet any contingency resulting from changes in economic and social progress. Those groups use the catch-phrase and cliches of a 'living instrument,' 'growing with the times.' The framers of the Constitution would have made provisions for such 'stretching' if they had intended the Constitution to be altered other than through the amending clause. . . .

"The United States Constitution does say the 'Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties . . . shall be the supreme law of the land; and the judges in every state shall be bound thereby . . .'

"It does not say the decisions of the United States Supreme Court on such questions shall be the supreme law of the land. The exercise of such a power is one usurped by the court and, in effect, gives to the judiciary a veto power over the acts and functions of all other departments and agencies of the government. Although the right to be the final arbiter of what the Constitution means, is without any expressed grant in the Constitution, it is, nevertheless, a constitutional principle now so firmly imbedded in our legal and political thinking that its permanency cannot at this time be seriously questioned, regardless of its merits. I do not mean to intimate that I feel the principle should be eliminated or is without merit. My comment is that it is time that we gave consideration to the means and methods by which the perversion of this principle may be properly checked and held within reasonable bounds.

Sees Usurpation

"A decision of the Supreme Court which for the first time defines and interprets the Constitution becomes for all purposes a part of the Constitution as if written therein. Any attempt to change such a meaning by the United States Supreme Court thereafter has the same effect as amending the Constitution although not done in the method and manner provided in the Constitution. I contend that the United States Supreme Court has usurped a right to amend the Constitution by changing its established interpretation and this is done in violation of the constitutional provision for amending the same set up for the protection of the states and the citizens thereof. Something more than 'viewing with alarm' is needed in this crisis since stable constitutional government is imperiled."

Judge Arterburn feels that the membership of such a new court should consist of a judge or former judge of a United States court, a member or former member of Congress, a Governor or former Governor of a state, a judge or former judge of the highest court of appellate jurisdiction of a state, and one person who, within ten years, has not held any office in the Federal or any state government and who would be chosen by a majority vote of the other members and be made chief justice of the court. The assumption is that this would afford an opportunity for a person of outstanding legal ability to be chosen. The procedure would be that, when a question of interpretation or meaning of the Constitution arose, the "Court of Constitutional Definition" would determine the proper meaning and certify its opinion to the United States Supreme Court, which would then incorporate the opinion within its own ruling and decide the case in accordance with the interpretation given by the special court.

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Roscoe Drummond Reports

Why the Supreme Court's Rulings Are 'Law of Land'

WASHINGTON.

In the course of his recent "Constitution Week" proclamation Gov. J. Lindsay Almond urged all Virginians to "restudy the concepts of our fundamental law to the end that each of us rededicate ourselves to the vital principles of government upon which this nation was founded."

Drummond

This is a good idea for everybody, not just Virginians.

One reason it is a good idea is that in the matter of non-discrimination in the use of public facilities—transportation, parks, playgrounds, public schools—there are Constitutional principles which need to be better understood.

It has been four years now since the Supreme Court handed down the school integration decision. Until Attorney General William Rogers spoke out last week I do not recall that any high Administration official had come forward with a full-length support of the role of the Court and a reasoned appeal to carry out its mandates.

This has been a serious lack because it has left the field almost entirely to those whose aim has been to confuse the issue. For example, the attorney for the Little Rock School Board argued—unsuccessfully—that the Supreme Court should delay resumption of integration there because the statements of Gov. Faubus as to what was and was not the law had "confused" the people of Arkansas.

All this makes it useful, indeed, to restudy the principles and provisions of the Constitution and to examine some questions the answers to which may have become obscured.

QUESTION—Is a Supreme Court decision law?

ANSWER—The United States Constitution is "the supreme law of the land." Those are the words of the Constitution.

When there is a dispute over whether any law or any action, state or Federal, violates the Constitution, the Supreme Court is the final arbiter. The Supreme Court does not pass laws but no law can be contrary to the Constitution and the court finally determines when the Constitution has been violated. It has determined unanimously that separate schools are not to be forced upon any group of citizens, in this instance Negro citizens.

A Supreme Court decision is binding on every unit of government to which it applies. The Supreme Court can rule an act of Congress unconstitutional and has many times. It can decide that an act of the President is unconstitutional and did so when President Truman seized the steel mills. It can decide that state and local laws are unconstitutional and has done so several times in cases of segregated transportation, playgrounds and schools.

QUESTION—By what authority does the court exercise this power?

ANSWER—By the authority of the Constitution and the Congress.

The Constitution places supreme judicial authority in the Federal judiciary and this role of the Supreme Court was recognized by Congress in its first Judiciary Act of 1789 passed, as Attorney General Rogers points out, at a time when the framers of the Constitution were among the most prominent members of Congress. This act specifically affirms the authority of the court to determine when state law violates the Constitution.

QUESTION—Is all opposition to the Supreme Court illegal?

ANSWER—Of course not. Criticism of Supreme Court decisions is perfectly proper, perfectly legal. It is only refusal to obey the courts which is improper and illegal. For example, it is illegal to refuse to obey a court order to admit an applicant to the public schools on grounds of race. It is legal—although more and more people are having second thoughts on the wisdom of this action—for a state to close its schools to avoid integration. The Constitutional recourse from a Supreme Court decision is to work to amend the Constitution.

QUESTION — Do Supreme Court decisions against compulsory segregated public facilities rest on racial equality?

ANSWER—The issue of racial equality is irrelevant. The decision rests on the concept of equality of citizenship.

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12d 1958

SUPREME COURT

The Court's Decision

(From The New York Times)

The Supreme Court met its test well recently, and, by its decision against any delay in integrating Central High School in Little Rock the court has in turn posed a test before our people and our Government.

One aspect of that test is the issue stressed in President Eisenhower's statement yesterday. Is our nation to be an orderly democracy based on respect for the law, or are we to descend to the "anarchy" that the President pointed out must follow defiance of the Supreme Court and of the system of law that court represents? Disrespect for the law and the courts on one issue breeds disrespect for these institutions on all issues.

A second aspect of the test before us arises from the fact that the drama of the integration struggle in Little Rock and elsewhere is being played on a stage which the whole world watches.

Finally, and perhaps fundamentally most important, there is the moral aspect of the test. We understand the deep emotional forces — born in a tangled and complex history — that lie behind the opposition to integration and therefore to the Supreme Court's decision. But are we not all — regardless of color, race or religion — subject to a higher moral law? Can any of us have full human dignity if we deny full human dignity to any of our fellow men?

The Supreme Court, in 1954, in 1955, and again recently, spoke in response to the moral imperatives implicit in the highest ideals of our civilization. Is it too much to hope that in the situation now created we shall meet the test with a response based on tolerance, understanding and compassion rather than on hate, anger and passion? The measure of our worth, as a nation and as a people, will come in the answer that the days ahead will give to this question. So far the response from Arkansas has been most regrettable and disappointing.

Pulse of the Public

Lawyers Who Attack the Supreme Court Are Reminded of Their Code of Ethics

Atlanta — The code of ethics of American lawyers includes the following:

It is the duty of the lawyer to maintain towards the courts a respectful attitude, not for the sake of any temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the bar against unjust criticism and clamor.

In view of this stipulation, one wonders about the ethics of certain lawyers who have been attacking the Supreme Court of the United States. These lawyers have assailed the court in the most vicious possible terms; but what have they accomplished?

Exactly nothing, I should say —except the undermining of respect for law and our entire judicial system. For if the U.S. Supreme Court — which has been called "the Supremest Supreme Court in the world" — is as corrupt as these lawyers would have us believe, then who can have faith and trust in any court?

It is, of course, the right and duty of a lawyer to seek legal ways to mitigate the effects of adverse decisions handed down by any court. But to rant and rave and indulge in vituperative personal attacks on the judges themselves seems ethically open to question.

There is a legal remedy for adverse decisions handed down by any Supreme Court: a constitutional amendment. In this matter of segregation, why don't we work for an amendment that will make segregation legal again?

INTERESTED.

Court Blind to Costs, Georgia Leaders Say

Georgia political leaders declared Monday that the Supreme Court's latest integration decision proves that it is determined to mix the races in the classrooms at any cost.

Sen. Russell said from his home at Winder the high court is "still following the briefs filed by Thurgood Marshall and the NAACP."

He called Monday's decision, which said states cannot resort to "evasive schemes" to continue segregation in the schools, "a declaration that regardless of the law or the fact the court means to have the races sit side by side in the classrooms, come what may."

DAYS OF TRIAL

"We are in for some days of trial, privation and sacrifice," Russell declared. "It will challenge the courage and determination of every person in the South."

Gov. Griffin, in a prepared statement, said the court is "saturated with only one theory—mix the races in the schools of this country regardless of the costs."

"This irresponsible tribunal has forgotten one important factor—the schools of the state are created, organized and financed by the citizens of the state," Griffin said. "The federal government only makes token payments to the operation of the several school systems."

Griffin's statement made no mention of the private school plan in Georgia. He said Georgia "will cross the bridges as it comes to them."

CALLED RIDICULOUS

Governor-nominate Vandiver said: "This latest in the series of integration rulings by the United States Supreme Court is even more ridiculous than those that were previously passed down by it.

"This politically constituted court has today attempted to rule on a whole host of questions, and to resolve them with finality, even before they could be heard and decided by the lower courts, in the normal course of judicial procedure."

Attorney General Cook said that Monday's decision "covers a lot of ground." He withheld further comment.

12d 1958 SUPREME COURT

The Court, the South and the Johnson Magic

By Rowland Evans, Jr.

(Joseph Alsop is on vacation. While he is away his column will be written by Mr. Evans.)

WASHINGTON—The story really began that day in May, 1954, when the Supreme Court handed down its historic decree holding that segregation in the public schools was unconstitutional.

It ended, or at least a vital chapter ended, in a dramatic climax late on a recent night in the Senate. A remarkable display of legislative black-magic, a strange and occult art for which Senator Johnson is justly famous, swept from the Senate floor the Smith bill, the potent weapon of rebuke that the anti-court coalition had wheeled up against the Supreme Court.

This bill, already approved in the House, would not directly have touched the school decision. But as a symbol it was a supreme test for both sides. In a word, its approval would have established the court's vulnerability. Who could then be certain that new, more daring attacks would fail? Having been taken to the Congressional woodshed once, the high court might easier be taken there again.

The Smith bill, in short, had to be sent back to committee and by a combination of ingenious ploys it finally was. Oddly enough, the fortunes of Vice President Richard M. Nixon were brandished by both Democratic and Republican leaders wooing support for their fight against the anti-court coalition. Viewing the prospect from opposite sides, they conjured up the effect of a tie vote on the political future of Mr. Nixon. A few Republican fence-sitters were specifically advised that if they did not cast their own votes against the anti-court bills, the Senate promised to end in a tie vote. That would surely require Vice President Nixon to break the tie and he would be harassed and abused no matter how he voted.

The same precise strategy, realigned 180 degrees, was conducted by the Democratic leaders. Several Democrats, inclined to support the anti-court coalition, were privately warned that Johnson had lined up the required votes to defeat the court-curbs if they would only withhold their own votes. If they voted, they were told, they risked locking the Senate in a tie. Who could possibly profit from a tie but Vice President Nixon, who would get all the glory?

So it went. One surprised Democrat, hurrying back from a trip just in time to vote in favor of the court-curbs, was whisked into a cloakroom and, yielding to his leaders' appeal, sat tight right there until the vote was completed.

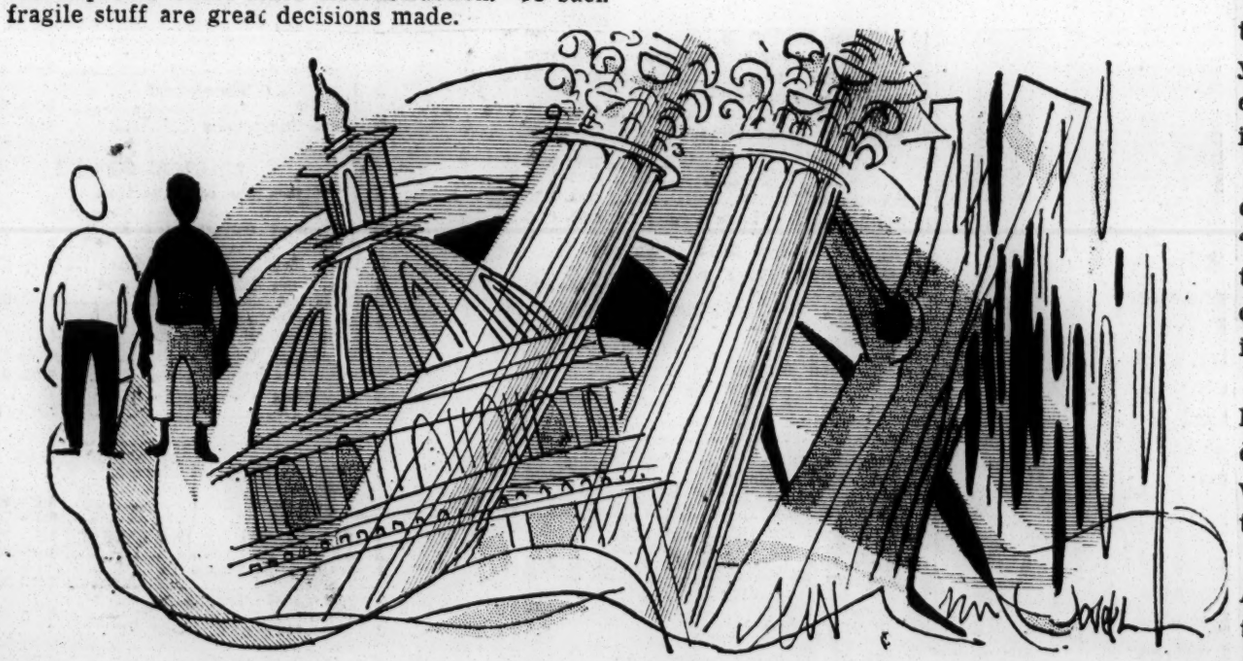
Consider what Senator Johnson and Senator Dirksen, Senator Knowland's heir apparent as Republican leader, were up against. Only the previous night the Senate had refused, by a generous seven-vote margin, to kill the Smith bill by tabling it. Johnson had carefully balanced the odds on that impending vote. Alert lieutenants, buttonholing Senators and toting up practice rollcalls, had assured him that ample votes were available.

But both Johnson and his incomparably able staff had fatally misjudged the emotional impact of Senator Douglas's red-flag amendment. Douglas demanded that the Senate vote its "full support and approval" of the court's school-integration decree. Three and possibly four votes that Johnson had counted as secure disappeared in the inflammatory debate that followed the Douglas amendment. When that first vote came on the Smith bill, Johnson had for the moment lost control.

But there could be no thought of turning back. The long, dreary fight to limit the effect of some of the Supreme Court's decisions had the support of all the orthodox Southern Democrats and almost all the orthodox mid-Western Republicans, angered not by the school decision but by the court's handling of subversion and sedition cases. Joining this formidable team were a few other Republicans who would like to damage Chief Justice Warren's reputation.

There could be no retreat by Johnson and Dirksen. Skillful use of the Nixon ploy, and the voluntary "delay" in Senator Frear's official return from the South, changed the composition of Senate forces. So did the decision of three Senators to switch their votes from the previous night's balloting. Senator Lausche, Senator Bennett and Senator Malone, all recorded as against tabling, now voted for recommittal. Finally, two "live" votes available to be cast against recommittal were persuaded to pair with absent Senators who favored recommittal. The effect of "pairing" is to wash out both votes, in effect neutralizing the "live" vote.

When all the black magic had wrought its wonders, the vote was 41 to 40. And there assuredly ended the most determined legislative assault on the Supreme Court since Reconstruction. Of such fragile stuff are great decisions made.



A Justice Who'll Not Be Gagged

WHEN the Conference of Chief Justices of state supreme courts recently endorsed a statement highly critical of recent decisions by the U.S. Supreme Court, some "liberals" denounced the statement as well nigh treasonable.

Replying to such foolishness, Chief Justice Raymond S. Wilkins of Massachusetts, who signed the statement, said the other day: "I didn't surrender my right to free speech when I went on the bench."

Speaking to the National Legislative Conference in Boston, Wilkins also refuted the suggestion the state justices had not had a chance to study the critique before signing it. It was the conviction of the chief justices at the conference a few weeks ago, Justice Wilkins said, that "the overall tendency of decisions of the Supreme Court over the last 25 years or more has been to press the extension of federal power and press it rapidly."

The statement, obviously carefully drawn as we have noted here before, "did not spring from the blue," Justice Wilkins said. It resulted from a discussion by the state chief justices in 1957.

"Maybe we were about 20 years too late," he told the Legislative Conference, "but if we didn't speak now, it was not likely we would speak at any time."

Reminding his audience that U.S Atty. Gen. Rogers had said recently that the states are bound by the decisions of the U.S. Supreme Court, Wilkins said:

"As far as I am concerned that's the trouble. The Supreme Court says what the law is."

But he concedes Supreme Court supremacy in only one sense—what is

applicable in federal law. "It is not superior to me when I sit on the bench in my court."

However, "what is applicable in federal law" is now little defense for states. By foot-loose and fancy-free interpretation of the Constitution, the Supreme Court can obtrude itself into almost any matter and declare the law to be whatever is the current vogue in Washington.

Rules Out Schemes Of 'Evasion'

Says Segregationists Can't Deny Bench

WASHINGTON (AP) — The Supreme Court told resisting Southerners and all others Monday that "evasive schemes for segregation" cannot nullify orders of the court.

The unanimous opinion pointed straight toward forbidding the leasing of Little Rock's four high schools for private, segregated operation.

Chief Justice Earl Warren read the 17-page opinion from the bench in an official proceeding.

Warren didn't name Gov. Orval E. Faubus or any other state of-

Text of Supreme Court's opinion, Page 8.

ficial, and he didn't define what was meant by evasive tactics. But the opinion did say:

"The constitutional rights of children not to be discriminated against in school admission on grounds of race or color . . . can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted ingeniously or ingenuously. . . .

CITES AMENDMENT

"State support of segregated schools through any arrangement, management, funds, or property cannot be equated with the (14th) amendment's command that no state shall deny to any person within its jurisdiction the equal protection of the laws."

Arkansas is one of several Southern states which are trying to keep Negro and white pupils separate.

On the surface, Monday's opinion ruled out every form of resistance—direct and indirect.

UNANIMOUS OPINION

The opinion was unanimous, as have been all of those since the court first ruled in 1954 that forced segregation is unconstitutional. The opinion stressed the thesis that the 1954 opinion "is the supreme law of the land."

Monday's special session was attended by all the nine members except Justice William O. Douglas.

Warren took special note that three of the men now on the court — Justices John M. Harlan, William J. Brennan and Charles Evans Whittaker — have joined since the original decision against segregation in 1954. Then he added:

"They are at one with the justices still on the court who participated in that basic decision as to its correctness and that decision is now unanimously reaffirmed."

Monday's session was called to deliver an opinion supporting the court's 9-0, 12 decision calling for integration to proceed immediately at Little Rock's Central High School. It has not proceeded, however, because of resistance by state authorities.

There was some expectation in advance that the court would say in some detail what it meant three years ago when it said public school segregation on account of race would have to be ended "with all deliberate speed."

The opinion was not detailed, in the sense of suggesting specific dates. It did say in effect that delay in integration might be all right in some cases, provided local authorities develop good faith plans to proceed as they could.

On the question of immediacy, the court said:

"In many locations obedience to the duty of desegregation would require the immediate general admission of Negro children, otherwise qualified as students for their appropriate classes, at particular schools.

"On the other hand, a district court, after analysis of the relevant factors, which, of course, excludes hostility to racial desegregation, might conclude that justification existed for not requiring the present nonsegregated admission of all qualified Negro children.

"In such circumstances, however, the court should scrutinize the program of the school authorities to make sure that they had taken appropriate steps to put forward the earliest practicable completion of desegregation, and their program into effective operation."

Alabama test included—

Court opens Fall term many race cases due

WASHINGTON, Oct. 6—(AP)—The Supreme Court launched its 1958-59 regular term today with a pronouncement from Justice Frankfurter that critics have a right to voice their disagreement with the court's integration rulings.

"Criticism need not be stifled," Frankfurter said.

"Active obstruction or defiance is barred.

Frankfurter issued an eight-page opinion of his own concurring with the unanimous decision by the court last Monday in the Little Rock desegregation case.

Frankfurter's opinion today said the duty to abstain from resistance to "the supreme law of the land" as declared by the Supreme Court, "does not require immediate approval of it nor does it deny the right of dissent."

The court was in session only about 20 minutes today. Most of this time was given to admitting 53 lawyers to practice.

The upcoming term is expected to produce important decisions in the field of race relations and business regulation.

MAJOR CASES in both racial and business fields are included in a pending docket of nearly 700 cases. They cover a wide variety of issues.

Twelve appeals involving racial questions face the court which only a week ago spoke out in special session against evasive schemes to keep school segregation.

More such cases are expected during the nine-month term as Southern opponents of the Supreme Court's school rulings cast about for new ways to continue classes on a segregated basis.

Among the 12 pending appeals is one by Gov. Orval E. Faubus of Arkansas. He has asked the court to declare invalid an injunction issued by a lower court. The injunction halted use of National Guardsmen at Central High School in Little Rock in September 1957.

OTHER RACIAL appeals question valadity of (1) Alabama's school placement law, (2) North Carolina's literacy test for voters, and (3) Tennessee's bus segregation law.

The court may grant or deny hearings on these appeals, but it has already agreed to review the contempt conviction of David Scull, a Quaker of Annandale, Va.

Scull was sentenced to 10 days in jail and fined $50 for refusing to answer questions asked by a Virginia state legislative committee. He refused to say whether he was associated with the National Assn. for the Advancement of Colored People or with other groups involved in racial litigation.

MANY OTHER PENDING cases involve issues from the world of business, including the business of boxing.

The justices have agreed to review a lower court decision calling for dissolution of the International Boxing Club of New York and a companion corporation in Illinois. The clubs were found guilty of violating the antitrust laws.

From the standpoint of money, the biggest case to be heard in the new term will decide a Justice Department claim that seaward boundaries of the Gulf states are limited to three miles from their coast lines. At stake are millions of dollars in royalties from oil developments far out in the Gulf.

12d 1958

Unsound textbooks'—

New Orleans attacks segregation decision

NEW ORLEANS, Jan. 17—(AP)—The U. S. Fifth Circuit Court of Appeals today had under study arguments that the U. S. Supreme Court decision against segregation was based on "unsound textbooks."

Attorney Louis Porterie of the New Orleans City Park Improvement Assn., did not name the textbooks dealing with sociology and physiology in his arguments yesterday. Nor did he give the court his reasons for classifying them as unsound.

The court heard arguments for reversal of lower court decisions outlawing segregation in city parks and on buses and streetcars here.

Porterie contended the district court decision was unsound because it was based on an unsound Supreme Court decision.

CITY ATTORNEY Alvin J. Liska maintained the district court also erred in granting a summary judgment against bus and streetcar segregation because the state law covering the matter has never been enforced.

Liska argued that there could be no irreparable damage, as claimed by the petitioners seeking integration, because of nonenforcement of laws regulating passenger seating on transit vehicles.

There was no complaint of any arrest or conviction, he said, to support the petition for injunction to integrate passengers.

Court Action Underway

File Briefs In Courts In New Orleans, St. Louis

WASHINGTON, D. C.—Racial segregation in the schools of Virginia received what amounts to a stunning blow Tuesday when the Supreme court upheld the integration of Negro and white students in the public schools of the state.

The decree came in the form of a refusal to review an order of a lower court decision calling for a "prompt" end to school segregation in Prince Edward county in South-Central Virginia.

Without comment, the high court rejected an appeal from the county school board that the ruling will mean the closing down of all of its public schools. Both state and county authorities have stated they will refuse to provide money for the support of any school that mixes the races in its classes.

Thus, the issue has boiled down to a head-on clash between the state of Virginia and the U. S. Supreme court.

The Fourth Circuit court of Appeals, in overruling U. S. district Judge Sterling Hutcheson, declared "defiance" of constitutional rights is "no reason for not enforcing" a court order.

However, it said that the order did not mean immediate integration in all grades or in all schools in Virginia, so long as authorities do not require it, and that integration need not start in all grades, if a reasonable start is made."

Virginia state law, however, denies state funds to any school district which permits any integration or even a start in this direction.

In view of the court's ruling and Virginia's declared stand of massive resistance, something has got to give in this situation. If Virginia carries out its declaration to close its schools rather than to integrate them, the act is certain to lead to considerable confusion in its educational program. If some of the schools attempt to comply with the courts' orders, they will be subjected to various punitive measures provided by the state. The situation at the moment has become a stalemate with Virginia in the unfavorable position of an outlaw state.

SUPREME COURT

Supreme Court Actions

WASHINGTON, April 7—The Supreme Court took the following actions today:

Unanimously ordered dismissal of denaturalization proceedings against Frank Costello and four other persons because the Government had not filed affidavits of good cause at the same time as the denaturalization complaints. (Nos. 347, 450, 494, 7771.)

Unanimously vacated a judgment upholding the constitutionality of a law depriving native-born Americans of their citizenship for wartime draft-dodging, the decision to be reconsidered in light of an expatriation decision last week. (No. 54.)

Held, 7 to 2, that trial judges must say clearly when their decisions are "final" and thus subject to appeal. No. 79.)

Held, 6 to 2, that it is up to a jury to decide whether a pile driver working offshore on a Texas tower is legally a seaman and thus able to collect damages from his employer. No. 456.)

Unanimously ordered that a District of Columbia defendant be allowed to withdraw his plea of guilty because he said he was mentally incompetent when he made it. (No. 609.)

Agreed to review the contempt conviction of Willard Uphaus for refusing to give the New Hampshire Attorney General a list of hostel guests in connectio nwith an inquiry on subversion. (No. 778.)

Agreed to pass on the scope of immunity granted to grand jury witnesses under the Interstate Commerce Act. (oN. 356.)

Agreed to decide whether Alaska can collect back taxes due under a law repealed in 1953. (No. 833.)

Refused to consider a claim that the Government must produce informants' reports and statements in hearings on draftees' petitions for conscientious objector status. (No. 804.)

HIGH COURT VOIDS CITIZENSHIP LOSS

Draft-Dodger Case Returned to Lower Tribunal—Trop Decision Is Cited

Special to The New York Times.

WASHINGTON, April 7—The Supreme Court set aside today a lower court decision holding it constitutional for the Government to take away a man's citizenship because he left the country in wartime to evade the draft.

The case was sent back to a Federal District Court for redetermination in light of the Supreme Court's decision last week in the case of Albert L. Trop. This was one of three important citizenship decisions in which the court was closely divided.

In the Trop case, by a vote of 5 to 4, the Supreme Court held unconstitutional an act providing that native Americans who desert the armed forces in wartime shall lose their citizenship.

But in another case the court upheld, 5 to 4, the denaturalization of a man for voting in a foreign election.

Left U. S. During War

Today's case involved Francisco Mendoza-Martinez, born in California of Mexican ancestry. He went to Mexico during World War II. When he re-entered the country, he was charged with draft evasion, pleaded guilty and served a prison sentence.

The Government contended that he had lost his American citizenship and moved to deport him. The lower courts held him a noncitizen. A petition for Supreme Court review was filed on his behalf by Thomas R. Davis of Bakersfield, Calif.

The statute at issue today provides that anyone who leaves or remains outside the country in time of war or national emergency shall lose his citizenship. The court expressly declined to pass on the constitutionality of this provision in last week's opinions.

EDUCATION

The court was unanimous today in remanding the issue for reconsideration in the light of the Trop case. The eventual result will depend, of course, on interpretation of the diverse opinions there.

Chief Justice Earl Warren found the Trop statute unconstitutional on either of two grounds. He was joined by Justices Hugo L. Black, William O. Douglas and Charles E. Whittaker.

First, the Chief Justice said, the Government should not be able to expatriate a man except for some act that indicates an abandonment of citizenship. Desertion was not such an act, he said, and he strongly implied that draft-dodging would not be either. But this view was rejected by a majority of the court.

Alternatively, the Chief Justice found expatriation a "cruel and unusual punishment" for desertion and hence in violation of the Eighth Amendment of the Constitution.

He clearly indicated that he would say the same of draft evasion.

The fifth and deciding vote holding Mr. Trop's expatriation unconstitutional was cast by Justice William J. Brennan Jr.

He said the Congress could provide for loss of citizenship where necessary to implement its war power.

But he found no need for this in the desertion case except as an extra penalty, and he held that so unreasonable as to be unconstitutional.

Court Ruling Backs Probe In Education

Divided Decision Upholds Investigating Of Reds In Schools

WASHINGTON, Jan. 16 (AP)—The U. S. Court of Appeals, splitting 5-4, today upheld the right of the House Committee on Un-American Activities to investigate communism in the field of education.

The majority specifically held that the Supreme Court did not strike down last June in its Watkins decision the House resolution setting up the committee.

"We believe that if the court had intended to strike down the resolution, it would have said so in so many words," wrote Judge Walter M. Bastian for the majority.

"It would not have left so vital an issue to inference or interpretation. The far-reaching results of such a holding would be that the committee, established by action of the entire House of Representatives, would be rendered helpless and would not even be able to summon a witness, much less have him testify," he wrote.

Chief Judge Henry W. Edgerton said in a dissenting opinion in which Judge David L. Bazelon concurred, that he believes the Watkins decision holds the committee had no authority to compel testimony because it had no definite assignment from Congress.

MOVE AUTHORIZATION

Judge Charles Fahy and George T. Washington, who also dissented, took the position that under various Supreme Court decisions the committee could not proceed to investigate the field of education—at least with the use of the compulsory process, under the sanction of contempt—without a more specific authorization than it had been given.

The decision today was the first interpretation by an appellate court of the June 24 decision of the Supreme Court reversing the contempt of Congress conviction of John T. Watkins, a labor union official of Rock Island, Ill.

Today's ruling affirmed the contempt of Congress conviction of Lloyd Barenblatt of New York educator.

Barenblatt, who formerly taught at the University of Michigan and Vassar College, refused to tell a subcommittee on Un-American Activities June 28, 1954, whether he then was or ever had been a member of the Communist party. He was convicted in U. S. District Court here and sentenced to six months in jail and fined $250.

In January last year the Court of Appeals affirmed Barenblatt's conviction, but the Supreme Court, after its Watkins ruling, sent it

back for another look.

Bastian said in the majority opinion today that the Supreme Court "in no uncertain terms criticized the resolution creating the committee for lack of specificity, for uncertainty, for vagueness, and the scope of the construction accorded to the resolution as acted upon by members of the committee and its subcommittees."

But nowhere in the Watkins opinion by Chief Justice Warren, Bastian said, does the court use language supporting Barenblatt's contention that it struck down the resolution creating the committee.

Watkins appeared before the Un-American Activities subcommittee during an inquiry into Communist infiltration in labor. Watkins denied he had ever been a Communist, but said he had cooperated with Reds in the labor movement some 10 years earlier.

SEGREGATION GAINS

Has Supreme Court Washed Hands Of Further Action?

WASHINGTON — For the school integrationists this Fourth of July is not one for wild celebration. The national holiday comes after three distinct setbacks to their cause, two of them in the United States Supreme Court.

Furthermore the prospects are that when the school terms start two months hence there will be fewer new schools integrated than at any time since the final Supreme Court decision on segregation in 1955.

The order of Judge Harry J. Lemley suspending integration was a blow to the National Association for the Advancement of Colored people, which sent a battery of its leading lawyers to Little Rock to oppose any such order. But the Supreme Court decision Monday refusing to review Judge Lemely's order was an even greater shock.

UNANIMOUS VIEW

The high tribunal said jjust about as plainly as it could say that it is declaring itself out of future cases. Since it on May 31, 1955, ordered racial segregation in schools ended "with all deliberate speed" the Supreme Court has refused to interfere with the orders of any lower federal court. It is now apparent that whether the Court of Appeals for the Eighth Circuit sustains or overrules Judge Lemley, the order of the Circuit Court will stand. The Supreme Court, there is little doubt, meant when it issued its order of May 31, 1955, that it was washing its hands of the issue, and there is reason to believe that this is the unanimous view of the Court.

There may be even more significance in the case of Girard College of Philadelphia also acted on Monday. In its original ruling the Supreme Court held that a trust set up in 1831 in Philadelphia under the will of Stephen Girard setting aside a sum of money in trust "for the erection, maintenance and operation of a college for as many poor white male orphans as the said income shall be adequate to maintain" violated the 14th amendment because trustees were officials of the city of Philadelphia and the State of Pennsylvania. Thus, the Court held, the action of the trustees in refusing admittance to two orphan colored boys "was an act of discrimination by the State of Pennsylvania."

Perhaps the real issue involved was "if a trustee happens to be an official of a city or State when he acts is he acting as the agent of the maker of the trust or is he acting as an agent of the State?" "No public funds were involved in the Girard College case, as the entire $100 million now in the fund are private funds.

To get around the Court's decision, the Orphan's Court named private trustees for the school. The National Association for the Advancement of Colored People attacked the new arrangement as a subterfuge and was confident that the Court would so rule. The NAACP was backed by Governor Leader of Pennsylvania and Mayor Dilworth of Philadelphia. On Monday the Supreme Court refused to review the arrangement whereby Girard College was continued as a school for white orphans only.

There was every indication that both the White House and The Department of Justice breathed a sigh of relief at the Lemley and Supreme Court decisions. Probably there is a hope in the same circles that the Eighth Circuit will go along for the last thing this Administration wants to do is to send troops back to Little Rock for nine more months at a cost of millions of dollars. In fact the office of the Comptroller General is now making an investigation to see whether the use of money appropriated for national defense was misused when it was employed to enforce school segregation.

ONE ACUTE CRISIS

From Texas to Delaware local school districts are asking delay in mixing classes in public schools. Only in Virginia where four communities — Arlington, Charlottesville, Norfolk and Newport News, are under federal orders to establish mixed classes in September is there an acute crisis. Everywhere else in the South mixing of the races faces further delay and assertions that integration will never come in certain areas grow louder.

Supreme Court Gets Birmingham Integration Suit

BIRMINGHAM (AP) — A group of Negroes, two months after losing a federal court suit to integrate Birmingham city schools, appealed the decision to the U.S. Supreme Court Monday.

The appeal, filed one day before the deadline, stems from a three-judge panel's ruling May 9 that the Alabama School Placement Law is constitutional.

The Rev. F. L. Shuttlesworth, integration leader, and other Negro parents filed suit against the law last spring after an unsuccessful attempt to enroll four children in an all-white school. One of the children was Shuttlesworth's daughter.

The School Placement Law is one of Alabama's legal ways of sidestepping integration. Without mentioning race, it authorizes local school systems to select which school a pupil may attend.

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SUPREME COURT

GOV. ELECT JOHN PATTERSON
ALABAMA

Bid To Curb Court Seen By Patterson

SHAWMUT, Ala., (AP) — Alabama Gov.-elect John Patterson predicted here Thursday that strong efforts will be made in the next Congress to curb the powers of the U.S. Supreme Court.

Speaking before a combined group of civic clubs, and West Point Manufacturing Co. officials, Patterson said he had talked with a number of congressmen and found them all concerned about the strong position taken by the

RUN ROUGHSHOD

"I firmly believe, and find that many of the legislators and senators in Washington agree with me, that the Republican Party defeat at the polls Nov. 4, was due to the fact that the present administration in Washington has run rough-shod over the rights of the people and the states," he said.

Outlining a portion of his program, Patterson said that Alabama will have more highway funds during the next four years than ever before.

FEDERAL FUNDS

"Of course the federal highway money will be a large part of this," he explained, "but we'll match every cent of the federal funds, and build roads without raising taxes one dime," he added.

Patterson also promised to have a heavy industrial development association to attract new industry, to see that the state docks are operated on a sound basis, to continue the river development program, and have a sound progressive educational plan for better schools and teachers' pay, and to eliminate waste of tax funds.

High Court Rulings Hit Segregation

Justices Turn Down Appeals To Review Three School Cases

WASHINGTON (AP)—The Supreme Court Monday knocked down appeals for reviews of three cases stemming from school integration.

After wishing Associate Justice Harold H. Burton health and happiness in his retirement, the high court:

Denied Louisiana school officials review of a decision striking down a requirement for a certificate of eligibility before admission to state institutions of higher learning. The decision had been handed down by the U.S. Circuit Court in New Orleans on suits by Negroes who successfully contended their constitutional rights had been violated.

Refused the Delaware State Board of Education review of an order to draw up a plan of desegregation for all school districts which have not admitted Negroes. The board had contended that under Delaware law the power to effect desegregation lies not with it but with local school boards. Monday's review denial upheld a U.S. Circuit Court which had said it saw no merit in such a contention.

FAUBUS REVIEW OPENED

Denied Arkansas Gov. Orval E. Faubus review of an injunction barring use of national guardsmen at Little Rock's Central High School a year ago last month. Faubus had claimed that U.S. Dist. Judge Ronald E. Davies, who issued the injunction, had acted without legal authority. Faubus also had claimed the Justice Department had no right to ask for the injunction because the department was not "the real party in interest."

The three cases were listed routinely among a large number which the Supreme Court refused to review.

In another case, the high court agreed to review a U.S. Dist. Court decision that voided three Virginia laws aimed at the National Association for the Advancement of Colored People. Two of the state laws required organizations which engaged in racial litigation, or collect funds for such purposes, to register with the state. The third provided punishment for champerty in litigation.

In other decisions, the court:

Agreed to review a decision that broadcasting stations have immunity from libel suits for remarks made in political speeches which they cannot censor. The North Dakota Supreme Court had interpreted a section of the Federal Communications Act as giving such immunity by barring station censorship of political broadcasts.

TO REVIEW SPY CASE

Agreed to review the conviction of Russian Col. Rudolf I. Abel, 55, as a Soviet spy. Abel was convicted in U.S. Dist. Court in Brooklyn, sentenced to 30 years in prison, and fined $3,000.

In agreeing to the Abel review, the court said two questions will be considered. One is whether the Fourth and Fifth Amendments to the Constitution were violated by a search and seizure of evidence without a search warrant after an alien accused of espionage had been taken into custody for deportation.

The second question is whether the same amendments were violated when the immigration service seized articles not related to its arrest warrant. The articles became evidence in Abel's trial.

OTHER ACTIONS

Other actions included:

Refusal to review the 1954 income tax evasion conviction of New York gambler Frank Costello.

Refusal to reconsider a decision blocking enforcement of a California law that required non-Communist oaths in obtaining tax exemptions.

Refusal to review government efforts to prosecute former Western Teamsters Union boss Frank Brewster on a charge of contempt of Congress.

Chief Justice Warren announced from the bench that Burton "has been a friend, counselor, and companion of all of us. We shall miss him greatly . . ."

Burton, 70, of Cleveland, resigned on the advice of his doctors.

Judge Potter Stewart, Cincinnati Republican and judge of the 6th U.S. Circuit Court of Appeals, will take his high court oath of office Tuesday. The recess appointment of Stewart to the $35,000-a-year post is subject to Senate confirmation next year.

GUARDED BY F B I
CHIEF JUSTICE WARREN
JUSTICE FRANKFURTER

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2 justices guarded

Afro-American

WASHINGTON — The possible shift of Dixie's war against the U.S. Supreme Court from one of crippling legislation and character assassination to one of dynamite and physical violence was underscored last week as the FBI placed a 24-hour guard about the homes of Chief Justice Warren and Justice Frankfurter.

Although the FBI refused to comment on the assignment, it was learned that it followed receipt of threats against the personal safety of the two justices.

Despite a reported Justice Department belief that the threats were of a "crackpot" variety, an extremely close surveillance has been established at the home of Justice Warren in a local residence hotel and at that of Justice Frankfurter in Georgetown.

F B I agents were assigned also to accompany Chief Justice Warren throughout the California trip which he was scheduled to end last week.

* * *

BOTH JUSTICES have been targets of earlier intimidation attempts or character assassination.

Last year a cross was burned in the vicinity of Chief Justice Warren's residence.

More recently, segregationists seized upon an article appearing in the New Bedford (Mass.) Standard - Times which cited Justice Frankfurter's connection with the NAACP in an advisory capacity prior to his appointment to the Supreme Court.

Appearing on the same day that the Supreme Court issued its ruling which outlawed the Little Rock scheme to evade school desegregation, It pointed out that Justice Frankfurter had participated in most of the court's recent decisions on school desegregation.

* * *

ALTHOUGH the article made no overt accusation of improper conduct by Justice Frankfurter, Washington observers were quick to point out that, like attempts to enact court - crippling legislation during the 85th Congress, was aimed at humiliation and degradation of the Supreme Court.

Senator Thomas C. Hennings (D. Mo.) who led the fight against curbing the court's powers in the last Congress, recently said of the backers of such legislation:

"I sincerely feel that many of them cared little about the substance of the bills. Their only desire, in my opinion, was that Congress should enact legislation which would degrade the Supreme Court in the mind of the American public and the world."

* * *

THE SOUTH'S WAR against the Supreme Court and the claims of segregationist leaders that its rulings do not constitute the Supreme law of the land began immediately following the historic 1954 ruling which outlawed the "separate but equal" doctrine in the field of public education.

Writing the court's unanimous opinion, Chief Justice Warren declared:

"We conclude that in the field of public education the equal' has no place. Separate educational facilities are inherently uneyual. Therefore we hold that the plaintiffs... are, by reason of the segregation complained of, deprived of the equal protection of the laws..."

The South's leader in what was to develop into a pattern of outright defiance was Mississippi's Senator James O. Eastland.

His was the rallying call for those who would defy the court. While officials of the Southern states attempted to form schemes which would delay integration, he declared:

"On May 17, the Constitution of the United States was destroyed because the Supreme Court disregarded the law and decided integration was right... You are not required to obey any court which passes out such a ruling. In fact, you are obligated to defy it... The country has entered an era of judicial tyranny... The court has responded to a radical, pro - Communist political movement."

* * *

OTHER SOUTHERN voices have since been added to that of Eastland in the clamor for defiance and personal notoriety defiance.

SUPREME COURT

The State legislatures of Mississippi, Oklahoma, Georgia, Arkansas, South Carolina, Louisiana and Virginia have responded with legislation aimed at the sole objective of blocking compliance with the Supreme Court's ruling.

Bombings of schools, churches, synagogues, and homes of integrationist leaders have occurred in Tennessee, Alabama, Florida and Georgia.

Two justices of the Supreme Court are now being guarded day and night.

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SUPREME COURT PASS PORTS

WALTER PROPOSES PASSPORT CURBS

Times

Offers a Bill to Overcome Supreme Court Decision —Dulles Weighs Ruling

P C 13

By ANTHONY LEWIS

Special to The New York Times.

WASHINGTON, June 17 — Representative Francis E. Walter, introduced legislation today to overcome yesterday's Supreme Court decision limiting State Department controls over passports.

The bill by the Pennsylvania Democrat would give the Secretary of State broad discretion to deny passports to alleged Communist sympathizers and persons whose travel he thought would be "prejudicial to the interests of the United States." The Secretary could base his decision on confidential information.

A contrasting reaction to the high court's ruling came from Senator Thomas C. Hennings, Democrat of Missouri. He said the decision expressed "sound American policy and good law."

Senator Hennings said he would shortly propose a "new passport procedure and freedom of unrestrictive movement bill." He said it would deal, among other things, with the power of the Secretary of State to forbid Americans' travel in certain foreign areas or restrict their activities abroad.

Scientists Hail Ruling

The Federation of American Scientists also praised the decision as going "a long way towards securing" the right to travel.

The court held that no existing statute authorized the Secretary of State to deny passports because of "beliefs or associations" of the applicants. It did not reach the constitutional question of Congress' power to authorize such travel controls.

Representative Walter issued a statement saying the decision called for "immediate enactment of remedial legislation." He said the court had "not only once more invaded the legislative field but also arrogated executive powers."

The bill was referred to the House Judiciary Committee. Mr. Walter is chairman of the Judiciary subcommittee, which will consider the measure. And he is the most influential member of the House on legislation in this area.

Whether Congress will pass any legislation will probably depend on the position taken by the Administration. The State Department and perhaps the Justice Department will be asked to give their views on the Walter bill.

Secretary Dulles noted also that the Government could petition for a rehearing in the case, which was decided by a vote of 5 to 4. Other sources indicated that such a petition was extremely unlikely.

In 1956 the State Department did endorse a bill of Mr. Walter's identical in language to the measure dropped in the hopper today. Scott McLeod, then chief of the Office of Security and Consular Affairs, testified on the bill in hearings before Mr. Walter's subcommittee.

Whether the Department's position will be the same now remains to be seen. In the Supreme Court case the Government conceded that the right of Americans to travel was protected by the Constitution, though the Government argued that the right should be reasonably limited in the national interest.

Two Questions Raised

The Walter bill seemed to raise possible constitutional questions in two respects. The first is the great discretion proposed to be given the Secretary of State.

The bill would allow the Secretary to withhold passports from Communists, persons going abroad to "support the Communist movement," persons under the domination of the party and persons subscribing to the party line.

In addition, the Secretary could deny a passport if he was satisfied that the "person's activities abroad would (1) violate the laws of the United States, (2) be prejudicial to the orderly conduct of foreign relations, or (3) otherwise be prejudicial to the interests of the United States."

The other possible constitutional question is the familiar one—not yet decided by the Supreme Court—of a citizen's right to confront his accusers in administrative proceedings. The Walter bill directs that investigative files be used in passport cases and says they "may not be examined by the applicant."

Associated Press

P C 13

FOR PASSPORT CURB: Representative Francis E. Walter, who introduced a bill to permit Secretary of State to deny passports to Communist sympathizers.

Labor Handed 2 Setbacks In Supreme Court Rulings

WASHINGTON — (AP) — The Supreme Court Monday upheld state court damage awards to an Alabama electrician who said pickets kept him from working and to a California worker who charged he was illegally expelled from a union. The decisions have far-reaching implications for labor unions.

In each case, the high court split 6-2 with Chief Justice Earl Warren and Justice William O Douglas dissenting. Justice Hugo L. Black took no part.

In the Alabama case, a Decatur electrician was awarded $10,000 damages in a suit against the United Automobile Workers.

In the California case, a San Francisco worker won $9,300 for alleged illegal expulsion from the Machinists Union.

The importance of the cases stems from the high court's rejection of union arguments that such suits cannot be brought in state courts.

Warren said in his dissent to the Alabama decision that the majority view could open the way for staggering punitive damages making it too risky for unions to engage in some activities protected by federal law.

Among other major actions of the day, the high court:

1 — Refused to review a lower court decision declaring unconstitutional a Louisiana law requiring segregated seating in buses and streetcars for white and Negroes. This decision was given by the U. S. Circuit Court in New Orleans, and was appealed by Major Delesseps S. Morrison and other New Orleans officials.

2 — Denied the Orleans Parish, La., School Board a review of a renewed attack on an order requiring the board to arrange with all deliberate speed to admit pupils to schools on a racially nondiscriminatory basis. The U. S. District Court in New Orleans issued the order.

3 — Set aside orders canceling naturalization of Stanislaw Nowak, former Michigan state senator, and Mrs. Rebecca Maisenberg of Detroit. Both orders were issued by U. S. District Judge Frank A. Picard in Detroit, and were based on findings the persons were Communist Party members when naturalized in 1938. Justice John M. Harlan delivered the high Court's 6-3 decision.

Harlan said that in both cases the record did not show that either Nowak or Mrs. Maisenberg ever actually advocated violent overthrow of the government.

The California labor case was appealed to the highest tribunal by the International Association of Machinists and its Local Lodge 68, which contended the dispute had to be handled under the National Labor Relations Act exclusively.

Justice Felix Frankfurter delivered the 6-2 decision.

Marcos Gonzales won the $9,300 award in the State Superior Court of California. He said he was expelled from union membership in March 1952. The state court ordered his reinstatement to membership and directed the grand and local unions to pay him $6,800 for lost wages and $2,500 for humiliation, anxiety and degradation. Gonzales was out of work from March 4, 1952, to June 26, 1953.

Frankfurter said the National Labor Relations Board could not have given Gonzales all the relief California gave him under its law of contracts and damages.

"Although if the union's conduct constituted an unfair labor practice, the board might possibly have been empowered to award back pay," Frankfurter said, "in no event could it mulct in damages for mental or physical suffering. And the possibility of partial relief from the national board does not, in such a case as is here presented, deprive a party of available state remedies for all damages suffered."

Warren voiced strong dissent in the case of the Alabama electrician.

The electrician, Paul S. Russell, complained picketing prevented him from entering the plant of the Calumet and Hecla Consolidated Copper Co., in Decatur, Ala., from July 18, 1951 to Aug. 22, 1951.

The union which had been certified by the National Labor Relations Board as representative of employes of the firm, called a strike July 18, 1951.

Russell earned slightly more than $100 a week at the time. He sued the union for $50,000 and a jury awarded him $10,000. His complaint charged mass picketing, intimidation, stopping of his car and threats to turn it over, and threats of personal injury and property damage. The plant resumed operation Aug. 22, 1951 with State Highway Patrolmen on hand. Russell returned to work that day.

UNIONS DISMAYED BY COURT RULINGS

State Tribunals Now Opened to Labor Relations Cases —Costs Could Be High

By JOSEPH A. LOFTUS
Special to The New York Times.

WASHINGTON, May 31— Two Supreme Court decisions had most labor law practitioners talking to themselves today.

Just when it had seemed clear that the state courts were closed to labor relations cases, the Supreme Court said no.

Individuals sued the unions and won damages for loss of work and for mental anguish. The unions confidently went to the Supreme Court. They argued that the state courts had no right to entertain such suits. Exclusive jurisdiction, they contended, was vested in the National Labor Relations Board, which could award a victim no more than the pay he had lost.

The Supreme Court said the state courts could so entertain such suits and their awards were final. The decision was simple. The impact is not so simple.

Of the several interested groups—unions, employers and Government — the unions naturally were most dismayed.

Jury Awards $10,000

Paul S. Russell, in Alabama, had testified that a picket line had kept him from going to work. He had lost about $500 in wages. The jury gave him $10,000.

Twenty-nine similar actions have been filed against the same union, twenty-three against another union, all in Alabama.

This is probably the highest-priced picketing in history. So the question arises, how will the unions combat this new threat?

Congress could do it for them with a careful Taft-Hartley amendment that would leave the states nothing but their constitutional police power in labor relations.

Lacking such help, the unions probably will improvise. History and experience indicate that.

The problem would not be uniformly serious. A jury in Detroit would be less likely to saddle a union with heavy financial penalties than an Alabama jury. It would demand stronger evidence that the suing worker was really intimidated by the pickets.

How Unions May React

The greater the local animus the more the unions will improvise. The trend toward centralization of power in the unions may be speeded by the need to control strike action and picket-line behavior by local unions.

The unions may try to make the actual collection of damages more difficult by keeping local treasuries dry.

The unions will probably try to find a way to avoid juries, as insurance companies and railroads do. The labor leaders may observe the need to improve their public relations and perhaps do something about that. There are other possibilities, some perhaps not yet even thought of by anybody.

In the other court decision, a worker had been expelled from his union illegally. As a result, he lost work and suffered mentally. A California court reinstated him in the union and awarded him money damages.

Violence or the threat of it was not a factor. Arbitrariness was. Thus the unions will have to be more careful about that.

'Pre-emption Doctrine' Cited

The views of the interested groups, in terms of the decisions' probable legal impact, adds up to confusion.

What, for example, happens to the Supreme Court's "pre-emption doctrine," assuming Congress gives no more guidance?

This doctrine had seemed to say with each new decision that Congress, in the Taft-Hartley law, had pre-empted the labor relations field; that is, had excluded the states from exercising any rights in that field, except for the explicit right to restrict compulsory unionism more stringently than the Federal law.

Some lawyers go so far as to say that the court has totally destroyed its own exclusionary doctrines; that the state courts are now wide open to any labor relations action. Others say the doctrine never was totally exclusionary; that the court had simply driven two small new wedges where only one existed before.

The virtue of the exclusionary doctrine, if it was a virtue, was uniformity. A set of facts could be expected to yield the same decision every time because there was only one channel of adjudication—the Federal. Now, say the pessimists, the same set of facts may yield forty-eight different decisions.

12d 1958

SUPREME COURT

COMMUNIST

High Court Rulings Comfort to Commies

WASHINGTON, D. C. — The net result of recent Supreme Court decisions involving Communism and subversive activities "has been comfort for Communists and criminals, frustration for law-enforcement officials, serious interference with Congress' self-informing function, and destruction of all efforts of the American people to protect themselves against subversion at home through their State governments," the Senate Internal Security Subcommittee said today in a section of its 1957 annual report.

Designated as Section XII of the annual report, it discussed certain aspects of some of the 1957 United States Supreme Court cases, and offers a number of conclusions and recommendations. They are:

CONCLUSIONS

The fifth amendment continued to be the major refuge of Communists unwilling to testify before congressional committees, but use of the first amendment as an alleged basis for refusal to testify increased during 1957.

Supreme Court decisions during 1957 posed additional legislative problems on subversion for the Congress to solve.

Decisions of the Supreme Court during 1957 operated to continue the undermining of official efforts at effective anti-Communist activity in the United States.

The Supreme Court, in its decision in the Yates case has in effect invalidated the "organizing" section of the Smith Act.

The Supreme Court, in the Yates case, so construed congressional intent, with respect to the ban on advocating violent overthrow of the Government, as to set up a very difficult and uncertain standard for this crime, thus making a substantial part of the Smith Act virtually ineffective.

Antisubversive activity by State authorities, which was hampered and deterred by the Supreme Court decision in Pennsylvania v. Nelson, has been further interfered with and virtually ended by the Supreme Court decision in the case of Sweezy v. New Hampshire.

The Supreme Court's construction of the "pertinency" rule in its decision in the Watkins case has made virtually impossible effective administration of the contempt statute as applied to witnesses before congressional committees.

Decisions of the Supreme Court in the Schware and Konigsberg cases have taken from the States the right to control the practice of law within their respective boundaries.

RECOMMENDATIONS

The Congress should enact legislation to preserve the autonomy of the Congress and its respective Houes in the control of their own affairs.

The Congress should enact legislation to restore to the individual States full control over the practice of law within their respective boundaries.

The Congress should enact legislation to permit investigation by State authority and valid action by State legislatures for the purpose of combatting subversive activity.

The Congress should amend the Smith Act so as to define reasonably and adequately the meaning of "organize" and "organizing."

The Congress should amend the Smith Act to declare its time intent with respect to banning the advocacy of violent overthrow of the Government, and restore clarity and certainty to the definition of this crime.

The Congress should enact legislation to eliminate uncertainty respecting questions involving pertinency under the congressional contempt statute.

The Congress should enact legislation to make clear its intent that individuals found to be security risks shall be ineligible to hold any employment in or under the Government of the United States, whether or not in positions designated as "sensitive."

The Congress should by law require that any Soviet alien who has entered the United States with diplomatic or semidiplomatic status shall disclose to the Department of State any connection he may have had at any time with the espionage service or secret police of any Soviet or Soviet-dominated nation.

The Committee on the Judiciary, or an appropriate subcommittee thereof, should undertake a study to determine the constitutionality of legislation to make it a condition of Government employment in any capacity that the employee shall give responsive answers to any questions put to him by an authorized tribunal of the United States respecting his loyalty to the United States.

The Committee on the Judiciary, or an appropriate sub committee thereof, should undertake a study to determine how best the internal security of the United States can be protected by the enactment of laws to more effectively deter and punish industrial espionage.

VOTES TO VOID RED DECISIONS BY HIGH COURT

Senate Unit Hits Basis of Rulings

BY WILLARD EDWARDS

[Chicago Tribune Press Service]

Washington, April 28—The Senate judiciary committee today approved legislation nullifying Supreme court decisions which had freed a number of Communist leaders.

The committee also voted to restore to the states authority to prosecute persons accused of sedition, thus voiding another Supreme court ruling.

This completed action on a measure sponsored by Sen William E. Jenner [R., Ind. which had originally proposed to strip the Supreme court of jurisdiction in most cases involving security laws because of a line of decisions which, Jenner charged, had been helpful to the communist movement in this country.

Final Vote Delayed

A final vote on reporting this bill, substantially amended, was postponed until Wednesday, but Chairman James O. Eastland [D., Miss.] predicted majority support for a recommendation at that time for Senate passage at this session.

Few senators believe that the Democratic leadership will permit a vote on the highly controversial measure before the expected adjournment of Congress in August. Eastland said he had not consulted Majority Leader Lyndon Johnson [D., Tex.] on the prospects for action.

The committee last week approved Jenner's proposal to take away from the Supreme court authority to review state court decisions on the admission of accused Communists to practice in the state courts. It also indorsed an amendment sponsored by Sen. John M Butler [R., Md.] which reserved to congressional committees the right to determine the pertinency of questions asked witnesses.

Act to Close Loophole

Today's vote indorsed another Butler amendment which declared that the Supreme court erred in freeing a number of Communist party officials who had been convicted of advocating the forcible overthrow of the government.

The court, in effect, had ruled that advocacy of the government's overthrow as "mere abstract doctrine" was not illegal, and that "incitement to action" had to be proved by the government to secure a conviction.

This distinction was, "one never intended by Congress," the amendment stated, and quoted the dissenting opinion of Justice John M. Harlan that it was "subtle and difficult to grasp."

Hits at "Uncertainty"

"Such construction is impractical of application and infuses into this criminal statute [the Smith act] a degree of uncertainty and unclarity which is highly undesirable," the amendment held. "Legislation to clarify and make certain the intent of this criminal statute is therefore required."

The act's language would be changed by the committee action to make advocacy of the government's overthrow by violence illegal "without regard to the immediate probable effect of such action."

State Laws Upheld

The committee also recommended an amendment, sponsored by Sen. Styles Bridges [R., N. H.], which revived state laws of sedition. The Supreme court, in freeing Steve Nelson, a veteran Communist leader, of a Pennsylvania conviction for sedition, ruled that the federal government had preëmpted this legal field.

The Bridges amendment states that any action of Congress dealing with subversion or sedition "shall not prevent the enforcement in the courts of any state of any statute dealing with sedition against the state or the United States."

The Supreme court's definition of the term "organize" with reference to the Communist party, which had been used to free some Communist

High Court Lets Ex-Red Stay in U. S.

McCarran Act Called 'Cloudy'

WASHINGTON, June 2 (UPI). —The Supreme Court sharply criticized today what it called the "cloudy provisions" of the 1950 McCarran Internal Security Act and threw out a deportation order against fifty-year-old Frank Bonetti, a former Communist who was born in France of Italian parents.

Mr. oBnetti first came to this country in 1922 at the age of fifteen and was a member of the Communist party from 1932 to 1936. In 1937, he wen tc Spain to fight in the Abraham Lincoln Brigade against the forces of Generalissimo Francisco Franco in the Spanish Civil War.

Although freely admitting his past Communist affiliation, he was re-admitted for permanent residence in this country in 1938.

"After Entry" Clause

The government moved to oust him under a provision of the McCarran Act which makes an alien deportable if he became a Communist "after entry" into this country. The issue facing the court was whether Mr. Bonetti's 1923 or 1938 entry should govern.

In a 6-to-3 decision, the court held the later entry should prevail. The government had not attempted to show that Mr. oBnetti was a Communist after 1938.

Speaking for the majority, Associate Justice Charles E. Whittaker called the case "rare and novel." He said the court's interpretation of the law's stipulations "is the only fair and reasonable construction that their cloudy provisions will permit."

Dissenting Opinion

The dissenters were Associate Justices Tom C. Clark, Felix Frankfurter and John M. Harlan. On their behalf, Justice Clark said the word "entry" in the law retained its "ordinary

meaning and nothing more or less." He said the court should not "amend the statute" to make it mean "last entering."

Justice Whittaker, quoting from an earlier Supreme Court ruling, said that "when Congress leaves to the judiciary the task of imputing to Congress an undeclared will, then the ambiguity should be resolved in favor of lenity."

"It may fairly be said to be a pre-supposition of our law to resolve doubts . . . against the imposition of a harsher punishment," he said.

The decision was one of the few handed down by the court, although it faces a backlog of almost forty cases that must be decided before it adjourns for the summer.

In other actions today the court:

Agrees to Review Extradition Case

Agreed to review next fall the constitutionality of reciprocal laws under which forty-two states agreed to arrest persons for the purpose of making them available as witnesses in criminal proceedings in other states. The case at issue involved the attempt by New York to extradite James C. O'Neill, of Chicago, president of the Distillery Workers' Union, from Miami, to testify before a grand jury investigating union welfare funds. A circuit court decision favoring Mr. O'Neill was appealed by Florida Attorney General Richard W. Ervin and New York District Attorney Frank S. Hogan.

Hearing Denied 2 In Ohio Murder

Denied a hearing to Robert L. Jackson and Lemuel S. Trotter under the death penalty in Ohio for the murder of a Cincinnati policeman on Sept. 19, 1956.

Negroes Lose Move To Block New School

Denied a hearing to a group of Negroes in Lower Darby, Pa. seeking to block the construction of a new junior high school in Upper Darby. Darby Township, in suburban Philadelphia, constitutes a single junior high school attendance area. The case charged the school district boundaries had been arranged to effect racial discrimination.

Refuse Hearing On Veterans' Jobs

Refused to hear an appeal which challenged a law giving veterans preference in Federal employment. It was filed by eight employees at military installations who lost their jobs while veterans continued to work. They called this arbitrary and unreasonable and a violation of the due process clause of the Constitution.

HIGH COURT VOIDS PASSPORT DENIALS BY VOTE OF 5 TO 4

Ruling Holds That Congress Has Not Authorized Ban on Loyalty Risks

Texts of opinion and dissent are on Pages 20 and 21.

By ANTHONY LEWIS
Special to The New York Times.

WASHINGTON, June 16—The Supreme Court today overturned State Department regulations denying passports to Communists and others of allegedly doubtful loyalty. The vote was 5 to 4.

The Court held that Congress had not authorized the Secretary of State to withhold passports because of the "beliefs and associations" of applicants.

It did not reach the ultimate constitutional question of Congress' power to do so.

In effect, the court told Congress that it would have to be much clearer and more specific if it intended to deny passports on the basis of associations. There will undoubtedly be calls in the present session of Congress to take up the implied invitation and pass a new travel control statute.

Justice William O. Douglas, writing for the majority, said existing statutes authorized the Secretary of State to deny passports on only two broad grounds —that the applicant was not a citizen, or that he was "engaging in conduct which would violate the laws of the United States."

Kent One of 3 Victors

The immediate result was a victory for three unsuccessful passport applicants. They are Rockwell Kent, the artist, of Ausable Forks, N. Y.; Dr. Walter Biehl, a Los Angeles psychiatrist, and Weldon Bruce Dayton, a physicist of Corning, N. Y.

All three had been denied passports by John Foster Dulles, Secretary of State. The lower courts rejected their suits. The three will now presumably be able to obtain passports from the State Department without further delay.

Mr. Kent and Dr. Briehl, whose cases were considered together, refused to answer State Department questions about Communist affiliations. They said they wanted to travel abroad for pleasure and professional reasons.

Mr. Dayton, who wanted a passport to take a job at the Tata Institute of Physics in Bombay, India, was accused of association with Communist espionage agents. He denied the charges under oath, but Secretary Dulles refused him a passport on the basis of confidential information.

The Dayton case had been expected to provide a major test of the Government's constitutional powers to use secret informants. But the court disposed of it today entirely on the statutory basis of the Kent-Briehl case.

In other words even assuming that the use of confidential materials to support the charges against Mr. Dayton was proper, the reasons for withholding his passport were found not to be authorized by statute.

The dissenters also avoided the constitutional questions in both cases. In an opinion of Justice Tom C. Clark, they simply disagreed about the interpretation of existing statutes, saying it would be "inappropriate" for dissenters to go on to the constitutional issue.

Joining Justice Douglas in the majority were Chief Justice Earl Warren and Justices Hugo L. Black, Felix Frankfurter and William J. Brennan Jr.

Besides Justice Clark the dissenters were Justices Harold H. Burton, John Marshall Harlan and Charles Evans Whittaker.

The Douglas opinion rested strongly on the finding that "freedom to travel is an important aspect of the citizens 'liberty,'" guaranteed by the Fifth Amendment provision against depriving a person of life liberty or property without due process of law.

Travel Right Seen

Justice Douglas noted that under a 1952 act, a passport is now required for most international travel by Americans. Hence, he said, withholding a passport effectively curtails the right to travel.

Because a constitutional right is involved, Justice Douglas said, "we will not readily infer that Congress gave the Secretary of State unbridled discretion togrant or to withhold it." It is a court's practice to construe statutes narrowly to avoid constitutional problems.

The Government had conceded the existence of a constitutional right to travel, protected by the Fifth Amendment. They had argued that the right was subject to "reasonable limitation" in the interests of national security. It was this problem—the limits on the constitutional right—that the court did not reach.

The Internal Security Act of 1950 prohibited issuance of passports to party members if and when a party was required to register with the Subversive Activities Control Board as a "Communist action group." But no organization has yet registered. Court tests are still being carried on.

Douglas Doubts Authorization

It would be "strange," Justice Douglas said, to infer that pending a registration under the Internal Security Act, "the Secretary has been silently granted by Congress the larger, the more pervasive power to curtail in his discretion the free movement of citizens in order to satisfy himself about their beliefs or associations."

He added that "we are dealing here with citizens who have neither been accused of crimes nor found guilty. They do not seek to escape the law nor violate it," he said.

Searching the legislative history, Justice Douglas concluded that the statute giving the Secretary of State broad discretion over issuance of passports did not envisage such cases. He concluded that it allowed passport denials only to non-citizens and to those trying to escape from or violate the law.

Kent May Not Use Passport

AUSABLE FORKS, N. Y., June 16 (AP)—Mr. Kent said:

"I fought for this as a matter of principle and spent almost my last cent. It was a question of whether the Administration could upset our constitutional rights. The Supreme Court apparently agrees with me."

He added that it gave him "a grim satisfaction to win a case at law against John Foster Dulles."

He said that his lawyer would proceed with the passport application and that he understood the State Department had twenty-five days to act on it.

"But I don't know whether I'll use it. Travel abroad costs a lot of money."

He is recuperating from an operation.

Briehl Hails Victory

LOS ANGELES, June 16 (AP) Dr. Briehl told a reporter:

"The decision of the Supreme Court is a complete refutation of the allegations and innuendoes of the Passport Office that my travel abroad as a physician to attend medical conferences was subversive or contrary to the national interests."

"The Pasport Office left nothing undone to discredit me," he continued. "They claimed I carried on subversive activities. They were unable, in any case or in any way whatsoever, to give any evidence of this. They only said they could not reveal the identity of their informant in the interests of national security. The fact remains that they didn't have any.

"I consider this much more a victory of constitutional rights than a personal victory for me."

PASSPORT
RIGHT TO

Passport Denial Called Essential

Congressional Action Pushed To Restore Authority

SENATOR ASKS CURBS

By MORRIS CUNNINGHAM
From The Commercial Appeal Washington Bureau

WASHINGTON, July 7—President Eisenhower Monday urged emergency action by Congress to nullify a recent Supreme Court decision and to restore Secretary of State John Foster Dulles' authority to deny passports for security reasons.

"I wish to emphasize the urgency of the legislation I have recommended," the President's special message declared. "Each day and week that passes without it exposes us to great danger. I hope the Congress will move promptly toward its enactment."

Hits June 16 Ruling

House and Senate leaders are expected to expedite action on the Administration measure.

It is aimed at a Supreme Court ruling June 16 which held, in effect, that the right to travel abroad is a civil right which may not be abridged by denial of a passport, even to a communist.

Taking sharp issue, the President declared that the Secretary of State has had authority to deny passports "since the earliest days of this republic."

"It is essential that the Government today have power to deny passports where their possession would seriously impair the conduct of the foreign relations of the United States, or would be inimical to security of the United States.

"Moreover, the secretary should have clear statutory authority to prevent Americans from using passports for travel to areas where there is no means of protecting them, or where their presence would conflict with our foreign policy objectives."

Court Curbing Urged

The President said the right to travel is important, but he said this right must yield when the security of the nation is involved.

Meanwhile, Senator John Marshall Butler (R., Md.) called for early Senate action on the four-point Jenner - Butler - Eastland Bill to curb the Supreme Court. He accused Senate leaders of "a great disservice to the people" in not bringing up the bill, which has been approved by the Senate Judiciary Committee by a 10-to-5 vote.

Senate Democratic Leader Lyndon B. Johnson (D., Texas) was present when Senator Butler spoke, but made no immediate response.

And in another action, Representative Emauel Celler (D., N. Y.) temporarily blocked House action on a bill which would reverse the Supreme Court's controversial Steve Nelson decision. In that ruling, the court invalidated state anti-sedition laws on grounds Congress had "preempted" the field with its passage of the Federal Smith Act.

The House bill, known as H.R. 3, would restore and preserve state laws to curb subversion except when Congress specifically invalidated them.

Passport Law Asked To Offset Court Ruling

Bill Is Designed To Ban Travel By American Pinkoes

By WARREN ROGERS JR.

WASHINGTON (AP) — The Eisenhower administration proposed Tuesday a passport law which would ban travel abroad by any American whose activities helped communism in the previous 10 years.

Secretary of State Dulles called for its prompt passage as a matter of urgency.

The proposal was designed to offset a June 16 Supreme Court ruling. The court held the secretary of state had no legal authority to withhold passports on grounds of Communist party membership or associations.

Sen. Theodore Green (D-RI), and Rep. Kenneth Keating (R-NY) promptly introduced the bill in Congress.

Green, chairman of the Foreign Relations Committee, said this did not necessarily mean he supports it. He said the whole issue will be explored at hearings starting July 16.

The heart of the bill is a proposed congressional finding that the International Communist Movement seeks everywhere to thwart United States policy, and that passports should be denied any persons fostering this movement.

Armed with such a finding in law, the secretary would be authorized to consider "whether the applicant is a person who, whether or not a member or former member of, or affiliated with, the Communist party, knowingly engages or has engaged within 10 years prior to filing the passport application in activities in furthe4ance of the international Communist movement."

Government officials said this, if enacted into law, would put the State Department in a strong position to deny passports nor only to known Communists but also to non-Communists whose activities advance the Communist cause.

Under the bill, the department could revoke passports granted Negro singer Paul Robeson and several others after the Supreme Court's June 16 ruling. They had been refused passports beofre the court acted.

Aims to Nullify High Court Ruling

Ike Asks Congress for Authority To Refuse Passports to Communists

WOULD OVERRIDE COURT

By Dayton Moore
United Press International

President Eisenhower urged Congress yesterday to nullify a recent Supreme Court decision by specifically granting the Secretary of State authority to deny passports on grounds of Communist sympathies.

"I wish to emphasize the urgency of the legislation I have recommended," he said. 'Each day and week that passes without it exposes us to great danger. I hope the Congress will move promptly to its enactment."

The High Court recently ruled that Congress never gave the Secretary authority to deny a passport to a U. S. citizen because of his refusal to sign a non-Communist affidavit or because of his suspected Communist beliefs or sympathies.

The President said the Government in recent years has denied passports on two general grounds: First, that travel by the applicant would be "inimical to United States foreign relations" and second, that the applicant was a Communist or under Communist discipline.

Noting the Court's decision, the President said "it is essential that the Government today have power to deny passports where their possession would seriously impair the conduct of the foreign relations of the United States or would be inimical to the security of the United States."

Aside from Communist considerations, he said, the Government also should have authority to prevent Americans from traveling to areas where there is no means of protecting them or where their presence would conflict with U. S. foreign relations objectives or U. S. security.

But the President warned Congress that the Government "is greatly concerned with seeing to it that the inherent rights of American citizens are preserved.

"Any limitations on the right to travel," he said, "can only be tolerated in terms of overriding requirements of our national security and must be subject to substantive and procedural guarantees."

Passport Ban Law Urged by President

WASHINGTON, July 7 (UPI)—President Eisenhower urged Congress today to nullify a recent Supreme Court decision by specifically granting the secretary of state authority to deny passports on grounds of Communist sympathies.

He told the House and Senate in a special message he hopes Congress will act promptly on his proposals for restoring the secretary's broad authority over foreign travel by Americans.

"I wish to emphasize the urgency of the legislation I have recommended," he said. "Each day and week that passes without it exposes us to great danger. I hope the Congress will move promptly to its enactment."

The high court recently ruled that Congress never gave the secretary authority to deny a passport to a U.S. citizen because of suspected Communist beliefs or sympathies.

Two Grounds for Denial

The President said the government in recent years has denied passports on two general grounds: First, that travel by the applicant would be "inimical to United States foreign relations" and second, that the applicant was a Communist or under Communist discipline.

Noting the court's decision, the President said "it is essential that the government today have power to deny passports where their possession would seriously impair the conduct of the foreign relations of the United States or would be inimical to the security of the United States."

Aside from Communist considerations, he said, the government also should have authority to prevent Americans from traveling to areas where there is no means of protecting them or where their presence would conflict with U. S. foreign relations objectives or U. S. security.

Congress To Get Draft

He said the State Department will send Congress a draft of legislation to carry out his recommendations.

Chairman Francis E. Walter (D-Pa) of the House Committee on Un-American Activities promptly complained that the President's proposal "does not cover adequately the needs of our national security and the conduct of our foreign relations."

He urged Congress instead to act on his own more sweeping measure.

The Butler Bill

(From The New York Times)

Of the string of proposals in the Butler bill to curb the powers of the Supreme Court and counter some of its recent decisions, the Senate Judiciary Committee has already adopted two and will quite likely approve one or two more before it is finished. It looks as though the combination of right-wing Republicans and Southern Democrats on the committee will yet succeed in reporting a Butler-Jenner measure depriving the court of its authority in important areas affecting constitutional rights of citizens.

By a vote of 9 to 6—the nine including five Republicans and four Democrats—the committee approved Senator Butler's proposal to give Congressional investigating committes the final authority to decide whether the questions they put to witnesses are pertinent to a valid legislative purpose. This provision is aimed directly at the Watkins decision of last June, in which the court—with only one dissenting voice—emphasized both the rights of individuals before Congressional investigating committees and the constitutional limitations on committees in pursuing their inquiries. If the Butler proposal became law, there would be no right of appeal to the Federal courts on the ground that the committee through its question was going on an improper fishing expedition.

The other proposal of Senator Butler that has already been approved by the Judiciary Committee would prohibit the Supreme Court from reviewing any case involving state rules on admission to the bar. This measure is a direct outgrowth of two 1957 cases in which the Supreme Court overruled, as contrary to the "due process" clause of the Fourteenth Amendment, decisions of state courts on bar admissions. While one of these — the Konigsberg case, decided by a 4-to-3 vote—has troubled many lawyers who, though deeply devoted to civil liberties, found it difficult to follow, the fact remains that a blanket denial to the Supreme Court of any appellate jurisdiction in state bar cases could seriously impair basic constitutional guarantees to the individual.

The Judiciary Committee did one good thing in its consideration thus far of the Butler bill and that was to reject by vote of 9 to 5 a third section that would have extended the Federal employe security program to all Government positions. This provision was aimed at the Cole decision in 1956 limiting security dismissals to "sensitive" jobs. The proposed extension of the program would be a move in precisely the wrong direction.

The committee has two more provisions of the Butler bill to consider, both countering Supreme Court decisions in internal security cases. Both ought to be rejected. Unfortunately, one can hardly look to the Judiciary Committee as at present constituted for an appreciation of the Supreme Court as the country's prime defender of the basic rights and liberties of all American citizens.

A Bill To 'Kill the Umpire'

(From The Christian Science Monitor)

The Senate Judiciary Committee has approved, 9 to 6, two of the five sections of the Butler amendment, which is in effect a less sweeping version of the Jenner bill to curtail the jurisdiction of the Supreme Court. (Three are still to be acted on.) It is, said Senator Hennings, an example of "kill the umpire philosophy."

The favorable vote had been somewhat expected—except that of Senator Arthur V. Watkins. Every one of the other eight senators—Butler, Jenner, Dirksen, Hruska, Eastland, McClellan, Erwin, and Olin D. Johnston—is committed to some special cause which has run into a Supreme Court check: racial segregation, Communist hunting, or state rights.

Somewhat the same support may be brought to the remaining three provisions of the bill. If so, and if the bill should ever become law, no witness could appeal beyond a congressional committee's own definition of what is inquiry directed toward legislation and what is merely personal or political foraging. Any state legislation would be presumed to prevail over federal law (the Constitution notwithstanding) unless Congress specifically declared otherwise. And the mere speaking or writing of opinions which might be adjudged advocating overthrow of the government, no matter how remote from any incitement to action, would be subject to criminal penalites.

Disagreement with certain decisions of the Supreme Court (and who has not disagreed with some?) offers insufficient grounds for truncating the court's jurisdiciton over whole areas. Should the committee report out this bill, we hope that Congress will resoundingly defeat it.

Out Comes The Butler Bill

(From The New York Times)

The citadel of reaction, the Senate Judiciary Committee has now approved the Butler-Jenner bill aimed at some recent "civil liberties" decisions of the Supreme Court. The measure would limit jurisdiction of the Supreme and lower Federal courts in certain areas, would enlarge the present scope of the Smith Act and would permit the states—contrary to a Supreme Court ruling—to compete with the Federal Government in prosecuting subversive activities against the Federal Government.

Senator Hennings of Missouri, who led the opposition to this measure in committee, pointed out that there had not even been hearings on some of its provisions. That fact, however, was nothing to stop the Judiciary Committee in its determined haste to take a crack at the Supreme Court as presently constituted. Of the fifteen committee members, the majority of ten in favor of this omnibus blunderbuss bill was evenly divided between Democrats and Republicans, the latter including alleged supporters of the Administration plus of course the ultra-right-wingers. The only Senators who stood up against the proposal were, in addition to Mr. Hennings, Senators Kefauver of Tennessee and Carroll of Colorado (Democrats) and Wiley of Wisconsin and Langer of North Dakota (Republicans).

It is difficult to believe that this measure in anything like its present form could pass the Senate, not to mention the House. It would be a seriously retrogressive step undermining some of the great good the Supreme Court has done in the past few years as guardian of individual liberty and defender of the citizen against arbitrary power.

Supreme Court Rules for Union

By CHARLOTTE G. MOULTON,
United Press Staff Writer.

WASHINGTON, May 5. — The Supreme Court ruled today that an employer may not insist on a contract clause barring strikes unless they are voted by a majority of all employees, both union and non-union.

The issue arose in 1953 collective bargaining negotiations between the United Auto Workers and the Wooster (Ohio) division of the Borg-Warner Corp., manufacturers of fuel and hydraulic pumps.

Today's opinion was by a five-man majority, for whom Justice Harold H. Burton spoke. It was the only signed opinion handed down today. The court now has more than 50 cases awaiting decision.

In other actions the court:

● Granted a hearing to Leslie Irvin, known as the "Mad Killer," who is facing electrocution for the 1954 murder of Wesley Kerr at Evansville, Ind. Irvin also was implicated in the killing of five other persons in Indiana and Kentucky. His attorneys told the High Court his conviction grew out of an illegally obtained confession made after he had been held five days without counsel.

● Set free Mrs. Oleta O'Connor Yates, Communist party organizer in California on whom a one-year contempt sentence was reimposed last January. The court held, on a 6 to 3 unsigned opinion, that Federal District Judge William C. Mathes of Los Angeles erred in failing to cancel her contempt sentence after the court told him to reconsider it last November.

● Rejected an appeal by the Socialist party against a California law which, the party said, has barred it from the ballot in the state since 1938. The ruling made final a State Supreme Court decision dismissing the complaint.

In the labor contract case, the court agreed with the National Labor Relations Board that Borg-Warner's attitude was a refusal to bargain under the Taft-Hartley law.

Borg-Warner insisted any agreement fixing wages and other working conditions must contain a so-called "ballot provision." This clause would bar any strike or contract change unless a majority of employees, both union and non union, approved.

BILL SETS UP UNIT TO AID HIGH COURT

Judicial Conference Would Be Advisory Group on Rules of Procedure

By ANTHONY LEWIS
Special to The New York Times.

WASHINGTON, May 11—In the midst of controversy over the Supreme Court's role, Congress is considering a change in one area of the court's authority with the apparent approval of the court itself.

What is involved is the authority of the high court to prescribe rules of practice and procedure for the Federal courts. Congress has conferred this power in a number of statutes going back more than forty years.

Under these statutes the Supreme Court has prescribed procedures for trying civil cases, for handling criminal prosecutions before and after trial, and for admiralty and bankruptcy cases.

Rules of procedure may sound unimportant and non-controversial. But they have been far from that inside the legal profession—and sometimes outside.

Arraignment Rule

A notable example is Criminal Rule 5a, codifying earlier statutes, which requires an arresting officer to bring a prisoner before a magistrate for arraignment "without unnecessary delay."

Interpretation of that requirement has sharply divided the courts and set off agitated debates about the respective rights of prisoners and police. Washington police at present are campaining against the established judicial position that confessions obtained during confinement of prisoners in violation of Rule 5a are not admissible in evidence.

Congress has before it now a proposal not to change any particular rule of court but to change the process by which the rules are adopted and revised. The idea is to make the Judicial Conference of the United States an adviser to the Supreme Court on rules.

Panel of Judges

The Judicial Conference is composed of representative judges from Federal courts all over the United States. The proposal envisages having it set up advisory committees of law school professors, judges and practicing lawyers to study the various rules continuously.

The Supreme Court had its own advisory committees to help in the drafting of the civil and criminal rules and in their revision in the light of early experience under them. But the committees were discharged in 1956.

Several reasons are advanced for bringing the Judicial Conference into the rule-making process at this time.

For one thing, the feeling is that the rules should be examined more or less continuously. There has been no significant revision of either the civil or the criminal rules since 1946, and many lawyers think changes are needed.

Court Called Remote

Some believe that the Supreme Court is too remote from the trial court problems that test the adequacy of the rules. The lawyers and judges affected by the rules every day, it is felt, can best advise on their adequacy.

One member of the Supreme Court, Justice Felix Frankfurter, has expressed similar views in the past. He has opposed the Supreme Court's taking any part in the drafting of the criminal rules, explaining his position in part as follows:

"The Justices have become necessarily removed from direct, day-by-day contact with trials in the district courts. To that extent they are largely denied the first-hand opportunities for realizing vividly what rules of procedure are best calculated to promote the largest measure of justice.

"These considerations are especially relevant to the formulation of rules for the conduct of criminal trials. These closely concern the public security as well as the liberities of citizens."

Justice Frankfurter also mentioned another reason that is now advanced for the proposed legislation—the limited time of the Supreme Court.

Fears Overloading

If the Court is not to be "swamped," he wrote, "it must ditional duty, such as responsibi exercise rigorously its discreationary jurisdiction. Every additional duty, such as responsibility for fashioning progressive codes of procedure and keeping them current, makes inroads upon the discharge of functions which no one else can exercise."

The proposed bill makes the Judicial Conference's role strictly advisory. The Supreme Court would still have to approve any rules change. And, as at present, Congress would have a chance to veto any changes before it became effective.

The House Judiciary Committee has approved the proposal. It has the support of the leading bar associations, Chief Justice Earl Warren and the head of the Administration Office of the ... States Courts, Warren O... Its chances of passage appe...

FOUR YEARS AGO...

By HARLEY MURRAY

WASHINGTON — (INS) — Four years ago—on May 17, 1954—the Supreme Court handed down its history-making decision striking down segregation of white and Negro students in public schools as unconstitutional.

In the unanimous opinion, written by Chief Justice Earl Warren, the high court declared:

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.

"Therefore, we hold that the plaintiffs (Negro families in four states) and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the 14th Amendment."

At that time, 17 states, plus the District of Columbia, had segregated schools.

History-Making Decision

PRESENT STATUS CITED

Today, four years later, this is the status of those same school systems:

—Seven Southern states are holding firm to their segregated schools, despite multiple legal assaults, and they include two of the districts involved in the original suit. Florida, Georgia, Alabama, Mississippi, Louisiana, South Carolina and Virginia are bonded together in "massive resistance" to even token integration.

—There is some integration—limited to from three to nine districts—in Arkansas, North Carolina and Tennessee, including Nashville.

—A substantial number of school districts, but less than half the state total, have been desegregated in Texas and Delaware.

—Integration is the rule in a majority of school districts in Kentucky, Maryland, Missouri and Oklahoma.

—Schools are fully integrated in Washington, D. C.

DECREE FOLLOWS DECISION

The high court handed down its decree of enforcement a year after the decision which, to many in the South, seemed ta smash at its very pattern of living.

The order of May 31, 1955, called for desegregation "with all deliberate speed" but left up to individual District Coutrs the handling of integration plans on a local basis.

In most border states the mixing of white and Negro students was accomplished smoothly, although there was some picketing at schools in Baltimore and Washington, and minor flare-ups in other places.

But in September, 1956, uglier units had to be called out in certain areas in Tennessee and Kentucky and there were near-riots in some places.

In September, 1957, Central High School in Little Rock, Ark., admitted nine Negro students. Gov. Orval Faubus called out the National Guard to block them; President Eisenhower countered by ordering Regular Army units to Little Rock and federalized the National Guard to protect the Negro students.

GUARD ON DUTY

Eight of the nine are still attending Central High School; army troops have been withdrawn, but the National Guard is still on duty.

What will happen next September? Where will the next crisis occur? Many observers, including leaders of the National Association for the Advancement of Colored People, believe it will be strictly a legal clash and will be in the vanguard state of "massive resistance" —Virginia.

The high court will decide soon —possibly on Monday—whether to let stand a lower Federal Court order calling for admission of eight specified Negro students to white schools of Arlington, Va. —a suburb of desegregated Washington.

In addition, Prince Edward County, involved in the original historic case, is under court order to begin desegregation. A simflar order was handed down for Charlottesville last Monday, and final federal decrees are due soon for Norfolk and Newport News.

Tells What Has Happened Since Supreme Court Rendered Famed Decision On Monday, May 17, 1954

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At that time, 17 states, plus the District of Columbia, had segregated schools.

Today, four years later, this is the status of those same school systems:

—Seven southern states are holding firm to their segregated schools, despite multiple legal assaults. Token integration of some public schools in Virginia is considered a definite possibility.

In other decisions Monday, The Supreme Court:

—By a 7 to 2 ruling, threw out the murder conviction and death sentence of Frank Andrew Payne, a young Arkansas Negro, on grounds that he was denied his legal rights by police and his confession was obtained by coercion.

—Rejected, 5 to 4, the death sentence appeal of Arthur Thomas, an Arizona Negro who claimed he also was coerced into confessing the murder of a woman storekeeper.

classes next term, and expected final court orders to Norfolk and Newport News.

Final showdowns are not expected until the opening of the fall term in September, but Gov. J. Lindsay Almond served notice Virginia will close the schools, if necessary, to prevent integration.

Virginia state law barred the seven Arlington applicants because their parents refused to sign "placement forms" — under which the state, rather than school districts, decides which school a pupil will attend.

The federal district court labeled the placement system a plan to block integration decrees, but state law calls for closing of schools — as a last resort — if integration is ordered. On the other hand, school boards face the possibility of contempt of federal court for refusing to carry out specific orders. As a result, closing

High Court Backs Ban On Segregation in Parks

By Karl R. Bauman
Associated Press

The Supreme Court reaffirmed yesterday its stand against racial discrimination in tax-supported facilities such as golf courses, parks and playgrounds.

The Court rebuffed efforts of the New Orleans City Park Improvement Association, a municipal corporation, to bar Negroes from using the city park. The park includes golf links, tennis courts, picnic grounds, boating and other recreational facilities.

The Court did this by affirming a decision of the United States Court of Appeals in New Orleans. The Appellate Court has upheld issuance of an injunction by the U. S. District Court in New Orleans giving Negroes use of the park facilities.

By affirming the Appellate Court, rather than merely refusing to review the case, the High Court made it emphatic that it agreed completely.

In its decision, the Appellate Court noted that the courts have decided that the refusal of city or state officials to make publicly supported facilities available on a nonsegregated basis to Negroes deprives them of equal protection under the laws.

The Appellate Court remarked that the question has been decided "in too many cases for us to take seriously a contention that such decisions are erroneous and should be reversed."

In its appeal, the Park Improvement Association challenged authorities on psychology who were cited by the Supreme Court in its 1954 opinion outlawing racial segregation in public schools

While not asking the High Court to reverse itself in the school segregation decision, the City Park Association insisted that the District Court in New Orleans should be ordered to take experts' testimony in a trial of the Negroes' suits to win use of the park.

Court Backs Use of Park By Negroes

Top Tribunal Rebuffs New Orleans on Segregation Bid

WASHINGTON, Oct. 20 (AP)—The Supreme Court reaffirmed today its stand against racial discrimination in tax-supported facilities such as golf courses, parks and playgrounds.

The Court rebuffed efforts of the New Orleans City Park Improvement Assn., a municipal corporation, to bar Negroes from using the city park. The park includes golf links, tennis courts, picnic grounds, boating and other recreational facilities.

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Equal Protection

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While not asking the high court to reverse itself in the school segregation decision, the association insisted that the district court in New Orleans should be ordered to take experts' testimony in a trial of the Negro's suit to win use of the park.

Identical Cases

The court of appeals said in its ruling that Supreme Court decisions in park use cases from Baltimore and Atlanta were identical with the New Orleans case.

In other actions today, the Supreme Court:

1. Agreed to rule on validity of a Baltimore ordinance which requires householders to admit health inspectors if the inspectors suspect unsanitary conditions exist.

Aaron D. Frank, who was fined $20 for refusing to admit an inspector without a search warrant, brought the appeal.

2. Agreed to consider again the case of three persons convicted of contempt for refusing to answer questions before the Ohio Un-American Activities Commission.

In June 1957 the Supreme Court told Ohio courts to reconsider the case in the light of its decisions in contempt cases. The Ohio Supreme Court reconsidered the case, but said it found nothing to warrant a change in its first judgment against the three men.

At Tax-Supported Facilities—

Court Stands Pat For Parks Mixing

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Fourth Anniversary Of High Court Ruling To Be Observed In 50 Cities

May 17 Marks Decision On Segregation

NEW YORK. — The fourth anniversary of the May 17, 1954, Supreme Court decision outlawing segregated public schools will be observed by means of special events sponsored by NAACP state and local units in at least 50 localities throughout the United States, Gloster B. Current, the association's director of branches, announced here this week.

Mr. Current said that one of the longest May 17 celebrations is to take place in Philadelphia, where a four-day observance has been planned by the NAACP branch.

A program which has been announced as a "music spectacular" will launch the Philadelphia activities on May 15. Participating in this event, to be given at Convention hall, will be Camilla Williams of the Vienna State Opera, Earle Hyman of the American Theatre Shakespeare Festival, a symphony orchestra, and choirs from four colleges and 14 churches. Gilbert Martin, a young composer, will introduce a piano work which he composed for the occasion.

Lawyers To Debate

During the remaining three days of the Philadelphia observance, NAACP programs will present a debate by Philadelphia lawyers, a pilgrimage to Independence hall with NAACP Executive Secretary Roy Wilkins as speaker, and a special youth event sponsored by the Philadelphia NAACP youth council and local college chapters of the association.

Special programs which have been announced as celebrations will be sponsored by NAACP branches in Columbia, S. C.; Oakwood and Dallas, Tex.; Atlanta, Ga.; Camden, N. J.; Toledo, Ohio; Cohama County and Meridian County, Miss.; and various localities in Arkansas, Louisiana, Oklahoma, and New Mexico.

Additional celebrations for which speakers have been announced, are as follows: Jackson, Miss., Congressman Adam Clayton Powell; Laurel, Miss., Medgar Evers, NAACP field secretary in Mississippi; and Memphis, Tenn., Mrs. Constance Baker Motley, assistant special counsel, NAACP Legal Defense and Educational Fund, Inc.

In Maryland, all NAACP branches in the state will meet in Baltimore on May 17 for the annual NAACP state conference.

Radio and TV Programs

Numerous NAACP branches are expected to secure radio and television time in order to present special May 17 programs, Mr. Current said. The St. Paul, Minn., branch has announced a television program and the Kansas City, Mo., branch a radio program. The Salt Lake City branch has noted that it is attempting to obtain both television and radio time.

Local NAACP units in several cities will sponsor mass meetings in observance of the anniversary. Such meetings have been announced in New Orleans, and Lake Charles, La.; Chattanooga, Tenn., with Mrs. Motley as the speaker; South Bend, Ind.; and Rochester, N. Y.

Churches in at least a dozen cities will be the scene of celebrations on Sunday, May 18. In Tampa, Fla., Congressman James Roosevelt will deliver an address in a church in observance of the occasion. Other localities where such church celebrations are scheduled are Rochester, Bayside, Niagara Falls and Amityville, N. Y.; Surrey County, Richmond and Norfolk, Va.; Pasadena, Calif.; Madison county, Ind.; Dallas, Tex.; and Elizabeth, N. J.

In New Orleans, churches will collect NAACP memberships and contributions on May 18. The South Bend NAACP branch has asked ministers to offer a special prayer on that day and the Chicago N.A.A.C.P. unit has urged pastors to devote a portion of their May 18 sermon to the special occasion.

In Ohio, the governor has been requested to proclaim May 17 "NAACP Day" throughout the state.

The Denver NAACP branch will launch a membership campaign on May 17, while the Salt Lake City NAACP unit has announced a banquet for May 16 with the speaker tentatively scheduled as Franklin H. Williams, the Association's West Coast regional secretary-counsel.

Youth Observances

Herbert L. Wright, NAACP youth secretary, announced here that NAACP youth councils and college chapters are making plans to sponsor May 17 celebrations.

Mr. Wright said that special chapel programs are being planned by college chapters at North Carolina college, Durham, N. C.; Winston-Salem (N. C.) Teachers college; Shaw university, Raleigh, N. C.; Hampton (Va.) institute; and Fisk university, Nashville, Tenn.

Other NAACP college chapters which will sponsor special observances are those at Queens college, New York City; Sarah Lawrence college, Bronxville, N. Y.; Harvard university; University of Chicago; University of Illinois, Urbana; University of Colorado, Boulder; University of California, Los Angeles; Oberlin (Ohio) college, University of Michigan, Ann Arbor; and Dillard university, New Orleans, La.

A number of NAACP youth councils will sponsor special events. Forums will be presented by councils in Manhattan, Detroit, and Jersey City, N. J. A mass meeting will be held under auspices of the Boston youth council. Unspecified observances will be presented by youth councils in Paterson, N. J.; San Antonio, Tex.; Greensboro, N. C.; and Tulsa, Okla.

Mr. Williams said the action of the Federal Government in the Little Rock situation was one of the 'discouraging incidents" of last year.

"The Attorney General has now decided that there will be no more Little Rocks," Mr. Williams said, adding:

"The field has been abandoned to the racists. The children at Little Rock are left to the mercies of the local institutions. Everyone seems more concerned that there be no more Little Rocks than that justice be done. The net result is to make the work of the deprived even more difficult."

Conditions in the South are approaching those which prevailed just before the outbreak of the Civil war, Mr. Williams said.

"Men no longer discuss the race question in the white community except to view with alarm and deplore. They fear even to talk about a different point of view," he added.

Each candidate in the present gubernatorial race, in which there are 14, seeking the Democratic nomination, is trying to outdo the others "in the vehemence of his opposition to integration," Mr. Williams said. "It is political suicide to be even mildly for segregation."

Mr. Williams predicted "the coming to a head of the long-delayed political realignment of the two political parties on all the great issues of the day." The issue of the "political emancipation" of colored people, he said, "could be the activating agent that threatens to explode the present ill-mated political setup."

The Alabaman urged "work to secure southern white support" and "aim at political reform in the South and force the liberal Southerners in the Senate and House to cease their playing footsie with the Byrds and the Talmadges and the Eastlands."

Those who reported on voting restrictions in their states included:

Charles C. Gomillion, chairman of the Division of Social Science at Tuskegee institute and president of the Tuskegee Civic association; Austin T. Walder, an Atlanta attorney; the Rev. Ben F. Wyland, head of the Florida Council for Racial Cooperation.

Kenneth Walker, publisher of the Colfax (La.) Chronicle, prize-winning weekly newspaper; Albert Powell, president of the Mississippi Progressive Voters League and chairman of the Jackson (Miss.) NAACP; the Rev. John L. Tilley, Baltimore; Miss Willson Whitman, editor and writer, Southern Pines, N. C.

Mrs. Andrew W. Simkins, Columbia, S. C., and W. Hale Thompson, attorney, Newport News, Va.

Programs slated for May 17

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4th year of Supreme Court ruling to be widely noted

Tribune p 6

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Los Angeles Calif.

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Fri 5-2-58

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FIRST CIVIL RIGHTS CASE

U.S. Suit Charges Discrimination By Georgia Election Registrars

WASHINGTON, Sept. 4 (AP)—The Justice Department's new civil rights division today filed suit accusing officials of Terrell County, Georgia, with discriminating against Negroes seeking to vote.

The suit was filed in the federal district court at Columbus, Ga.

The suit was directed against Terrell County's five election registrars and deputy registrars. It marks the first court use of the Civil Rights Act of 1957, adopted by Congress as a measure to protect voting rights.

The Columbus court was asked to issue an injunction prohibiting Terrell County (1) from following different procedures in the processing of voting applications by Negro and white citizens, (2) from applying more stringent standards in giving a literacy test to Negro applicants, and (3) from refusing to certify a group of Negroes named in the suit as having passed the literacy test.

All of the Negroes named in the action live at Dawson, Ga., the Terrell County seat, where the Justice Department last month unsuccessfully sought to prosecute three Dawson policemen on charges they had engaged in brutal treatment of prisoners in their custody.

That action was taken under long-standing criminal civil rights statutes. A federal grand jury at Macon, Ga., which examined evidence developed in an FBI investigation, refused on Aug. 9 to indict the three policemen, who were accused by the federal investigators of killing two Negroes, shooting another and beating two more in arrest incidents last spring.

Discussions with Justice Department officials about the Columbus action left no doubt but that it was just the first of a series of similar planned court moves. However, officials restricted themselves to the statement that other situations and complaints of the same nature are under investigation, but they declined to pinpoint the areas involved.

Rejection Alleged

The new civil action at Columbus alleged that on April 7 of this year, a number of Negro applicants appeared to register as voters, without success. It said the rejected applicants included four school teachers with college degrees.

The complaint asserted the teachers were rejected on grounds of alleged inability to read correctly and intelligibly. This group, the suit said, included:

Edma Mae Lowe, a high school mathematics teacher at Dawson who holds a bachelor's degree from Fort Valley (Ga) State College and a master's degree from New York University;

Janie Breedlove, elementary school teacher with a bachelor's degree from Albany (Ga) State College;

Davey Louis Gibson, a graduate of Albany State now working on a master's degree at New York University;

Grace Boyd Gibson, a graduate of Albany State.

Marine Involved

The suit alleged that registration was also refused on April 7 to Eddie George Lowe, who attended Tuskegee Institute and is employed at the U.S. Marine Corps Supply Center at Albany, Ga.

This rejection, the government asserted, was based on alleged inability to write correctly and legibly.

Assistant Atty. Gen. W. Wilson White, head of the new civil rights division, said that Terrell County investigation was begun last April. He said it covered registration practices in the county for the past two years.

The suit asserted this investigation showed that in 1956 only 48 Negroes out of 5,036 of voting age in the county were registered, while 2,679 white voters of 3,233 white citizens of voting age received registration certificates.

The complaint charged that Negroes who applied as early as October 1956 for voting registration were not permitted to appear for hearing on their applications until April 7, 1958. But it said white persons who applied in March 1958 were all given hearings that month, some on the same day they applied.

The suit said that on March 25, 1958, the day after acceptance of the white applicants, a new Georgia law prescribing more stringent tests for voting applicants became effective, and this new law was used in the processing of the applications of Negroes.

The suit charged that "the acts and practices of the defendants are designed to deny the right to vote, to Negro citizens of the United States and of the state of Georgia solely because of their race and color."

The suit named as defendants Terrell County registrars James Grigg Raines, Dixon Oxford, and Roscoe Radford, and Mr. and Mrs. F. Lawson Cook Sr., deputy registrars.

1957 Civil-Rights Act Invoked First Time

Georgia Registrars Keep Qualified Negroes From Voting, U. S. Says In Asking Injunction

By New York Times News Service

Washington, Sept. 4.—The Justice Department invoked the Civil Rights Act of 1957 for the first time Thursday in a suit to stop alleged violations of Negro voting rights.

The Department went into Federal District Court in Columbus, Ga., and asked for injunctions against registrars of Terrell County, Ga. The action, announced here, charged the registrars with "arbitary refusal to register Negroes who demonstrate themselves to be fully qualified."

Last month, in the same Georgia county, a federal grand jury made up of local citizens refused to indict three policemen. The Justice Department had urged the indictments on charges that the police killed two Negroes, shot another, and beat two more.

No Grand Jury Required

Unlike that criminal action, Thursday's civil suit required no grand jury to initiate it. And, as an action for an injunction, it will be heard by a judge sitting without a jury.

The police-brutality cases occurred in Dawson, the County seat of Terrell County. The voting incidents also occurred in or near Dawson, a town of 12,500 persons in the southwest corner of Georgia.

The Justice Department named five specific Negroes whose voting rights have allegedly been denied.

Four were teachers in the county—Edna Mae Lowe, Janie Breedlove, Davey Louis Gibson, and Grace Boyd Gibson. The fifth was Eddie George Lowe, an employee of the Marine Corps Supply Center in Albany, Ga.

The Department statement said:

"The four teachers were rejected (at an attempt to register) because of alleged inability to read correctly and intelligibly. Eddie George Lowe was rejected because of alleged inability to write correctly and legibly."

48 Negroes Registered

The five were among a number of Negroes who appeared before the County registrars of voters April 7 and tried to register. None were accepted.

The suit complained that, in 1956, only 48 of the 5,036 Negroes of voting age in the county were registered to vote. In contrast, 2,679 of the 3,233 white citizens of age were registered.

The Department said registration records of whites and Negroes in Terrell County "are kept on cards of different colors."

The suit named five defendants. Three are County registrars, James Griggs Raines, Dixon Oxford, and Roscoe Radford. The other two are deputy registrars, Mr. and Mrs. F. Lawson Cook, Sr.

DISMISSED APPEAL
JEREMIAH REEVES,JR.
TWICE CONVICTED AND SENTENCED TO DEATH
(ALA. RAPE OF WHITE WOMAN)

Supreme Court Decisions

Special to The New York Times.

WASHINGTON, Jan. 13—The Supreme Court took the following actions today:

Held unconstitutional, by a vote of 7 to 2, a local law requiring union organizers to get a permit before soliciting new members and giving local officials "uncontrolled discretion" over the issuance of permits.

Unanimously reversed a Post Office ban on two nudist magazines, apparently on the ground that the court did not consider the magazines obscene.

Reversed unanimously and apparently on the same ground a Post Office order excluding from the mails a magazine dealing with homosexuality.

Held unanimously that the Interstate Commerce Commission could not order a railroad's intrastate commuter fares increased solely because that service was not paying its own way..

Upheld, 7 to 2, the constitutionality of a Congressional statute adopting past and future state criminal laws by reference to cover Army camps and similar Federal enclaves.

Affirmed, 6 to 3, the conviction for tax evasion of a former Federal prosecutor in New Jersey who contended that the Government had used "tainted evidence," and affirmed two co-conspirators' convictions unanimously.

Dismissed, 8 to 1, a petition previously granted to review the Montgomery County, Ala., rape conviction of a Negro who contended Negroes were excluded from the grand jury that indicted him.

Ruled unanimously that Texas might constitutionally levy a stamp tax on liquor brought from Mexico through Texas to North Carolina by a tourist.

Agreed to consider whether a union might bring suit to challenge the designation of a National Labor Relations Board as in violation of an explicitstatutoryrequirement.

Refused to consider the contention of Constantine Macris that the court should extend admiralty law to let an injured man recover damages from a ship without showing fault on its part for the injury.

Convicted state rapist loses in new appeal

WASHINGTON. Jan. 14—(AP)—A 22-year-old former Negro jazz drummer twice convicted of raping a white housewife in Montgomery lost yesterday on his appeal to the U. S. Supreme Court from a death sentence.

The tribunal dismissed the appeal by Jeremiah Reeves Jr. who was twice convicted and sentenced to death in Alabama.

In December, 1954, the court set aside the first conviction but gave no reason for the ruling. Defense attorneys claimed his alleged confessions were coerced. They also argued that Negroes were systematically excluded from jury duty in the county where he was tried.

The court said yesterday the Negro's appeal had been dismissed and that the agreement to review the case had been "improvidently granted." No further explanation was given.

Justice Douglas dissented from yesterday's action.

REEVES WAS ARRESTED Nov. 10, 1952, and convicted the same month for raping the young white woman, who was then 22. Reeves was 17 years old.

After the Supreme Court set aside the first conviction, the young Negro was again tried and convicted in May, 1955.

In the latest appeal, Reeves' attorneys protested that Negroes make up at most 10 per cent of prospective jurors in a county where they constitute more than 40 per cent of the population.

Defense attorneys said the trial judge asked prospective jurors about membership in the National Assn. for the Advancement of Colored People after the state solicitor said he heard the NAACP was financing Reeves' defense.

Court Studies Reeves' Death Term Appeal

WASHINGTON, Jan. 9 (AP) — The Supreme Court today took under advisement an appeal by Jeremiah Reeves Jr., Montgomery, Ala., Negro convicted and sentenced to death in Alabama for rape of a white woman.

Reeves first was convicted in November, 1952, and sentenced to death. The Supreme Court set aside this conviction in December, 1954.

Tried a second time in 1955, he again was convicted and sentenced to death.

Reeves' current appeal is based on contentions by his attorneys that the state failed to re-indict and re-arraign him after the first reversal by the Supreme Court; that Negroes are excluded from juries in Montgomery; that improper remarks were made in qualification of jurors at the second trial, and that the public was excluded from the courtroom.

William F. Thetford, representing Alabama, said he felt the state already has shown there was no discrimination among jurors.

The first reversal was not on these grounds but only referred to previous cases reversed for illegally obtained confessions. Thetford said no confession was involved in this case.

Orzell Billingsley Jr., representing Reeves, contended there were very few Negroes on jury lists in Montgomery at the time of Reeves' trial.

12d 1958 SUPREME COURT TALLAHASSEE, FLORIDA (BUS) 2

REFUSED

Bus Seat Case Ruling Refused By High Court

WASHINGTON (AP)—The Supreme Court refused to rule Monday on legality of a Tallahassee, Fla., bus seating assignment ordinance under which two Negroes and a white person were fined and sentenced to jail.

The court gave no explanation of why it refused to hear the case, but the city contended the case was not in a proper status to be passed upon by the high court since it had been before only lower courts in Florida.

As a general proposition, the Supreme Court will not hear a case unless it has been ruled on finally by the highest court of a state.

The three persons were charged with violating the Tallahassee ordinance by refusing to go to assigned seats in a bus and refusing thereafter to obey the requests of the driver that they leave the bus.

The city contended there was no evidence in the record to establish that seating assignments had anything to do with race.

Court Restores Citizenship Of Deserter GIs

Post Herald
Jues. 4-1-58 12d

WASHINGTON, March 31 (U.P.) — A sharply-split Supreme Court struck down as unconstitutional today a law revoking the U. S. citizenship of American servicemen convicted of desertion in wartime.

It was the first time since 1946 that the Supreme Court had held that any section of the Federal law was unconstitutional.

It was estimated the ruling would restore the citizenship of at least 7000 soldiers and airmen convicted of desertion by courts-martial in World War II and given dishonorable discharges.

Bham Ala.

The decision also would apply to desertion cases of the Navy and Marine Corps and to servicemen convicted of desertion in World War I.

P 3

The court upheld another section of the 1940 Nationality Act which deprives an American of his citizenship if he votes in a foreign election. Both decisions were by narrow 5-to-4 votes.

Chief Justice Earl Warren, who rendered the main decision in the desertion case, said the congressionally - approved penalty for deserters amounted to "cruel and unusual punishment" forbidden by the Constitution's Eighth Amendment.

Justice Felix Frankfurter, who dissented in the desertion decision, rendered the court's opinion in the foreign voting case. He said Congress was acting within its authority in enacting the provision.

The citizenship decisions featured the heaviest Supreme Court opinion day of the present terms. In other major actions the high court also:

—Refused to review the appeals of two former Truman Administration officials from their convictions for conspiring to fix a tax case. They were former White House Aide Matthew J. Connelly and former Assistant Atty. Gen. T. Lamar Caudle.

—Upheld. 5 to 4, the out three-year prison terms imposed on Communist Leaders Gilbert Green and Henry Winston for contempt of court. They jumped bail following their conviction in 1949 on charges of subversive activity. The court's ruling sustained the power of judges to impose contempt penalties without a jury trial or grand jury indictment.

The decisions were among the most important constitutional rulings handed down by the court since it began its present term last October. They also pointed up the sharp cleavage within the court on constitutional issues.

Chief Justice Warren and Justices Hugo L. Black and William O. Douglas appeared to form the "hard core" of a new so-called liberal wing on the court.

Court Hands Virginia New Segregation Slap

WASHINGTON, March 3 (AP)—The Supreme Court dealt another setback today to Virginia's program of "massive resistance" to any racial segregation in its public schools.

In the most routine way possible, the high court refused in a one-line order to review an anti-racial discrimination decision of the U. S. Fourth Circuit Court of Appeals which Virginia said would result in closing all public schools in Prince Edward County.

That decision directed U. S. District Judge Sterling Hutcheson at Richmond to fix a deadline for Prince Edward school officials—in Southern Virginia—to start carrying out the Supreme Court's 1954 decision outlawing segregation in public schools.

Virginia, asking the Supreme Court to overturn the appellate court, said:

"The federal courts assume a terrible responsibility when they order the closing of public schools. This is what the Circuit Court has done and what this court will do if the order appealed from remains in effect."

Virginia has enacted a package of anti-integration laws which the state's leaders call "massive resistance." The laws, among other things, call for cutting off state aid and closing down any public school which is integrated pursuant to a court order.

In other major actions today, the court:

1. **RULES 8-1 THAT** the Army must base a soldier's discharge solely upon his military record, and not take into account his preinduction activities.

2. **UPHELD 7-2 THE RIGHT** of a state to levy taxes on a user of tax-exempt property, including plants owned by the U. S. Government, when used by a private party for business purposes.

3. **THREW OUT 8-1 AN APPEAL** by 23 Hollywood writers and actors seeking to sue for damages for being blacklisted by the film industry after they refused to testify before the House Committee on Un-American Activities.

4. **PUT OFF UNTIL THE** next term of court in the Fall ruling on the dispute between the federal government and the five Gulf states on the states' offshore boundaries. Involved in the litigation is the ownership of oil rich submerged lands.

Integration Delay Denied For Virginia's Test County

Special to The New York Times

WASHINGTON, March 3—The Supreme Court let stand today a lower court order that Prince Edward County in Virginia make a "prompt and reasonable start" toward ending school segregation. Virginia had given the court a blunt warning that the order would result in the closing of Prince Edward's public schools. The county is in the so-called "Southside" of Virginia, the center of resistance to racial integration.

The Prince Edward supervisors have voted to abandon their public schools rather than allow any Negroes into white buildings. A corporation has been set up, with pledges of $200,000, to run a system of "private" schools if necessary.

Assumed Discretion

In 1955, in its opinion carrying forward the 1954 school decision, the Supreme Court left to the Federal District Courts the primary responsibility for determining the pace of school integration.

In the Prince Edward case, Sterling Hutcheson, Federal District Judge in Richmond, Va., read the opinion as giving him discretion to allow an indefinite stay. He rejected last year a motion by Negro children in Prince Edward for a deadline for beginning integration.

Judge Hutcheson was reversed by the United States Court of Appeals for the Fourth Circuit.

Its per curiam, or unsigned, opinion said:

"The fact that the schools might be closed if the order were enforced is no reason for not enforcing it. A person may not be denied enforcement of rights to which he is entitled under the Constitution of the United States because of action taken or threatened in defiance of such rights."

In a petition for Supreme Court review, Virginia said the appellate court order, in effect, "eliminates the discretion" given the district courts in segregation cases.

Warned of Closings

"It is important that this court now re-establish that area of discretion," the petition said. "Otherwise in large areas of Virginia and perhaps in other states public schools are now in their last session."

The Supreme Court today simply denied without comment the petition for review.

The case will now go back to Judge Hutcheson. Under the mandate of the Court of Appeals, he will have to order the school board of Prince Edward to make some kind of a start on integration by some specific date, or at least to come in with a plan by some date.

Virginia's petition was signed by Kenneth C. Patty, Attorney General when the papers were filed. No reply was submitted by the lawyers of the National Association for the Advancement of Colored People, who represent the Negro children.

Virginia Loses Segregation Bid

WASHINGTON, March 3 (AP).—The Supreme Court dealt another setback today to Virginia's program of "massive resistance" to any racial integration in its public schools.

In the most routine way possible, the high court refused in a one-line order to review a ruling by the U. S. Fourth Circuit Court of Appeals on school integration in Virginia's Prince Edward county. In its appeal Virginia had said that the Circuit Court order would result in the closing of all public schools in the county.

IN SOUTHERN VIRGINIA

The disputed Circuit Court decision directed U. S. District Judge Sterling Hutcheson at Richmond to fix the deadline for Prince Edward school officials—in southern Virginia—to start carrying out the Supreme Court's 1954 decision outlawing compulsory segregation in public schools.

VIRGINIA APPEAL QUOTED

Virginia's appeal to the high tribunal said:

"The federal courts assume a terrible responsibility when they order the closing of public schools. That is what the Circuit Court has done and what this court will do if the order appealed from remains in effect."

In other actions, at its first opinion session in a month, the Supreme Court:

1. Held 8-1 that soldiers accused of Communist activity prior to their induction may not be denied honorable discharges on that ground alone.

2. Refused 8-1 to overturn a decision that a group of Hollywood actors and writers could not ask damages for blacklistings by the film industry after they declined to testify before the House Committee on Un-American Activities.

3. Scheduled arguments in the so-called Tidelands case—involving the claims of Gulf States to submerged lands beyond the three-mile limit—for Oct. 13.

4. Rejected a request by New York, Wisconsin, Minnesota, Ohio and Pennsylvania for consideration of their demands that Chicago's use of Lake Michigan water be restricted.

Jenner's Bill To Curb Court Stirs Controversy

By JOHN CHADWICK

WASHINGTON (AP)—A bill by Sen. Jenner (R-Ind) to curb the power of the Supreme Court was reported today to be facing defeat in the Senate Judiciary Committee.

Sources close to the committee said that a majority of the 15 members now oppose the controversial measure, although a compromise was not ruled out.

The issue may come to a vote at the committee's regular weekly meeting Monday.

The bill has been denounced by opponents as the most serious assault on the independence of the judiciary since the late President Roosevelt's unsuccessful 1937 "court-packing plan."

But Jenner, accusing the court of usurping legislative functions, contends his bill simply makes use of a congressional check on judicial power that is expressly set out in the Constitution as part of the system of checks and balances.

What the bill would do is to limit the Supreme Court's appellate jurisdiction by withdrawing its authority to review lower court decisions in five categories.

These are cases arising from congressional investigations, security firings of federal employes, state antisubversion laws, regulations of school boards or similar bodies concerning subversive activities by teachers, and the admission of lawyers to practice in state courts.

In each of these fields, the Supreme Court recently has handed down controversial decisions.

In the Nelson case, for example, the court threw out state anti-subversive legislation on the ground that the federal government had pre-empted the field. In the Cole case, it held that a statute providing for summary dismissal of federal employes as security risks applied only to sensitive jobs.

The court also found in two cases last year that excluding lawyers from practice on charges of past or present subversive activity violates the 14th Amendment. In another case, it ruled that a schoolteacher cannot be fired solely because of invoking his Fifth Amendment protection against self incrimination.

In still another controversial decision, in the Watkins case, the court said that congressional committees have no power of "exposure for exposure's sake" and cannot compel witnesses to answer without showing their questions are pertinent to a valid legislative purpose.

Under Jenner's bill, no appeals could be taken to the Supreme Court in all future cases in these fields. Instead, the final decisions would rest with the highest courts in each of the 48 states and in the 11 federal Circuit Courts of Appeal.

This is what has given rise to the argument of opponents that the billl would cause legal chaos, that "we would have not one but 59 Supreme Courts."

But the constitutionality of the Jenner bill itself, should it be passed, would be subject to review by the Supreme Court.

SEN. JENNER
Would Check Court

The argument over the legislation, however, has centered about its wisdom, not its constitutionality. Most of the opponents have taken the position that Congress is empowered to limit the court's appellate jurisdiction.

Article III, Section 2, of the Constitution provides that the Supreme Court shall have appellate jurisdiction, "with such exceptions and under such regulations as the Congress shall make."

At hearings on the bill, Clarence Manion, former dean of the University of Notre Dame Law School, cited this provision in testifying that "Congress is expressly authorized to do what this bill proposes to accomplish."

Manion, a professor of constitutional law for 25 years, strongly supported the bill. He said it would restore to Congress and the states constitutional powers "which the Supreme Court has usurped, destroyed, or impaired."

In contrast, testimony or statements in opposition to the bill were received from the deans of 30 law schools in all parts of the country. Among them was Joseph O'Meara, present dean of the Notre Dame Law School. He denounced the bill as "vicious."

Favorable comments were received from only three law school deans.

Dean Erwin N. Griswold of the Harvard University Law School, said the bill was punitive in purpose, would undermine the independence of the judiciary, and lead to intolerable confusion.

While describing the bill as probably constitutional, he said it was "contrary to the spirit of the Constitution."

Some well-known llalwyers, such as John Lord O'Brian of Washington, maintained the bill is "so sweeping and so squarely at odds with our constitutional structure as to cast grave doubts on its constitutional validity."

Full Committee Meets to Act On Jenner Bill

By the Associated Press

The Senate Judiciary Committee meets today under an advance agreement to act on a bill by Senator Jenner, Republican of Indiana, which would curb the powers of the Supreme Court.

Senator Jenner predicted the measure will win committee approval at the closed-door session despite the opposition of Attorney General Rogers, the American Bar Association and others.

The legislation would strip the Supreme Court of authority to review lower court rulings in five separate fields related to subversive activities.

Critics have questioned the bill's constitutionality. They have contended it would undermine the independence of the judiciary, upset the constitutional balance of powers, and destroy legal uniformity and equal justice under the law.

Senator Jenner said he introduced the bill "not out of any spirit of retaliation but out of a deep concern for the preservation of the Constitution."

He and the bill's other supporters contend that Congress is specifically authorized by Article 3 of the Constitution to regulate and make exceptions to the appellate jurisdiction of the Supreme Court.

Proponents of the legislation say the justices have usurped legislative functions. They say the high court's powers must be curbed if the Nation is to be saved from "a judicial oligarchy."

One of their principal contentions is that recent decisions of the court have immobilized the Nation's defenses against internal subversion.

The five fields in which the measure would ban Supreme Court review are:

Congressional investigations and contempt of Congress cases, the Federal employe security program, State antisubversion legislation, school board regulations concerning subversive activities by teachers and admission to practice in State courts.

Says Passage Could Lead To Unrestrained Action by States Against Any Group

Washington,—A bill to limit the jurisdiction of the United States Supreme Court was described by an NAACP representative here this week as a possible "opening wedge in a determined effort to destroy the effectiveness of our judicial system."

The description was contained in a statement of Thurgood Marshall, NAACP special counsel. Mr. Marshall's statement was read to the internal security sub-committee by the NAACP Washington Bureau.

Specific Areas

The bill in question was s. 2646, which would deprive the U. S. Supreme Court of jurisdiction in the following areas:

1. **Actions of Congressional committees;**
2. **Actions of governmental agencies established by Congress to deal with subversion among employees of the Executive Branch of government;**
3. **State laws dealing with subversion within the state's borders;**
4. **Regulations of school boards dealing with subversion among teachers;**
5. **State provisions dealing with the admission of lawyers to practice.**

Mr. Marshall's statement warned that passage of the bill "would eventually lead to the possibility of unrestrained action by state government against any group that might at the time be in disfavor."

Only Recourse

The statement maintained that since Negroes in states such as Mississippi and portions of Alabama and Louisiana are denied the right to vote, they consequently are denied normal political redress and have as their only ultimate recourse against oppressive unconstitutional acts the United States Supreme Court.

Teachers, Lawyers

Under the bill's provisions, the statement further warned, local school boards could unrestrainedly penalize teachers for belonging to organizations such as the NAACP, while local and state boards could penalize lawyers for acting in opposition to laws already declared unconstitutional by the U. S. Supreme Court.

REVISED BILL AIMS AT SUPREME COURT

Butler Offers Changes in Jenner Plan — Judiciary Unit's Backing Claimed

By ANTHONY LEWIS

WASHINGTON, March 2—Supporters of legislation to curb the Supreme Court shifted tactics today and promptly claimed enough strength to get a revised bill out of the Senate Judiciary Committee.

Senator John Marshall Butler, Republican of Maryland, presented the revised version at a meeting of the committee this morning. He offered it as an amendment to a bill proposed by Senator William E. Jenner, Republican of Indiana.

Senator Jenner's Congressional committees, Federal employe security regulations, state and local laws against subversion and state rules governing admission to the bar. The bill would make lower Federal courts and state courts the final interpreters of the Federal Constitution and laws in these areas.

The Butler version reflects the same disagreement with recent controversial decisions of the court that lies behind the Jenner bill. But instead of trying to abridge the court's review power, it aims chiefly to change the effect of particular decisions.

Bar Admissions Provisions

Senator Butler would retain unchanged one provision of the Jenner bill—the ban on Supreme Court review of any case involving state bar admissions.

Under this provision a state could, for example, prohibit Negroes from practicing law in its courts, or exclude any person who had ever been a Communist. The Supreme Court would have no power to find such a rule unconstitutional.

The other sections of the Butler proposal are intended to deal in broad terms with four matters.

First, the bill attempts to counter the effect of the Supreme Court's decision last June in the Watkins case. The court held there that a person who refused to answer a Congressional committee's question could not constitutionally be convicted of contempt unless the pertinence of the question to a valid legislative purpose had been explained to him.

Senator Butler's proposed statute would put the burden on a witness to challenge a question's pertinence in the committee ruling on pertinence first.

Second, the bill would reverse a 1956 Supreme Court decision construing an act of Congress to permit security dismissals of government employes only from "sensitive" jobs. The bill would extend the security program to all Federal positions.

Third, the bill would declare that no Federal act shall be held to pre-empt a field, excluding state laws on the same subject, unless the act "contains an express provision" indicating such an intention by Congress.

This is a reaction to the 1956 case of Steve Nelson, Pennsylvania Communist, in which the Supreme Court held that Congress had pre-empted the right to punish subversive activities against the United States, invalidating similar state laws.

But the Butler proposal would go beyond the sedition area to cover all Federal pre-emption of legislative subjects. The Justice Department has opposed this proposal because of its possible effects on interstate commerce regulations and other matters.

Fourth, the Butler bill would redefine the Smith Act of 1940, which makes it a crime to teach or advocate the violent overthrow of the Government or to organize a group toward that end.

Court's Ruling Cited

In a decision last June involving a group of California Communists, the Supreme Court held that the Smith Act barred only advocacy of action, not advocacy of "abstract doctrine," and it construed the word "organize" to mean forming a new party, not a new unit in an existing party.

Senator Butler proposes to reverse both of these interpretations of the Smith Act.

In the Judiciary Committee today Senator Thomas C. Hennings Jr., Democrat of Missouri, blocked a motion for an early vote on the Butler substitute. He said afterward that the proposal included many important subjects that should be considered separately after "thorough hearings."

Senator Jenner indicated that he would support the Butler amendment and he predicted a Judiciary Committee majority would back the amended bill.

The eventual fate of the measure may depend on the attitude of Attorney General William P. Rogers, who vigorously opposed the original Jenner bill.

But at least parts of the Butler proopsal have a good chance of enactment. They are pending in separate bills before House committees, and the new move in the Senate is seen as a device to asure action on at least some proposals aimed at the Supreme Court.

Senate Unit Votes High Court Curb

But Jenner Bill Is Facing Fight

By Don Irwin

WASHINGTON, Apr. 30.—The controversial Jenner bill to reverse the effects of recent Supreme Court decisions in subversion cases cleared the Senate Judiciary Committee today by a 10-to-5 vote.

The bill will not be moved to the Senate calendar for two weeks, however, to allow time for preparation of majority and minority reports. The reports are certain to conflict diametrically, and that conflict will be reflected in maneuvering which is sure to mark the bill's future.

Sen. William E. Jenner, R., Ind., who sponsored the measure only to see it substantially rewritten in committee, said after its approval that it offers the nation "substantial hope that Congress will act to overcome the effects of Supreme Court decisions in the anti-subversive field and specifically dealing with Communists."

The leader of the committee opposition, Sen. Thomas C. Hennings jr., D., Mo., saw it as an "irresponsible" measure "designed to punish the Supreme Court" and promised a "bitter and prolonged fight" against it.

The measure, as approved, is similar in only one of its four sections to Sen. Jenner's original proposal, which would have directly clipped the high court's jurisdiction in five fields. The section retained would forbid the court to review the validity of state actions on admissions to the bar and on disbarments.

Prompted by two decisions in which the Supreme Court sustained appeals against disbarment of lawyers with alleged past Communist ties, the section was criticized by Sen. Hennings as "the first step toward destroying the governmental concept of separation of powers."

Bar Strongly Opposes, but Mail Backs Jenner Bill to Curb Court

By Richard L. Lyons
Staff Reporter

THE Senate Judiciary Committee has received as interesting a range of letters as it did witnesses on Sen. William E. Jenner's (R-Ind.) bill to curb jurisdiction of the Supreme Court in security cases.

Lyons

A check of about half the letters received by the Internal Security Subcommittee showed 360 persons for the bill and four opposed. They were from private citizens and patriotic societies who felt the Supreme Court has made things easier for subversives and should be set down. Half the letters were from Texas, California and Florida. Most of those came from Dallas, Los Angeles and St. Petersburg.

A completely different type of response was reported and put in the record of the hearings by Sen. Thomas C. Hennings Jr. (D-Mo.), staunch opponent of the bill, who polled law-school deans and leading lawyers.

Hennings wrote to 100 deans and 50 lawyers and received replies from half of them. All the practicing lawyers and all but four of the deans opposed the bill. Those opposed included Dean Leon H. Wallace of the Indiana University Law School in Jenner's home state.

Others opposed included Dean Erwin N. Griswold of Harvard Law School; John Lord O'Brian, a senior member of the Washington law firm of Covington & Burling; Arthur E. Dean, American representative at the Panmunjom peace talks in 1953 and member of the New York law firm of Sullivan & Cromwell.

THE BILL would strip the Supreme Court of authority to review cases involving the power of Congress to investigate the Federal employes security program, state anti-subversive laws, school boards' anti-subversive rules and admission of lawyers to state practive.

Three weeks of hearings by the Internal Security Subcommittee brought endorsement from a long list of ultra-conservative spokesmen and opposition from the Justice Department, American Bar Association and many newspapers including the conservative Chicago Tribune. The parent Senate Judiciary Committee may act on it today.

Letters on both sides follow a general pattern. Those in favor of the bill feel the Court has helped the cause of communism by decisions like Watkins (which held a congressional committee must tell a witness how its questions relate to its legislative function) and Nelson (which said states must get out of the Communist-hunting business because the Federal Government preempted the field with the Smith Act). They propose to prevent what they consider bum decisions by killing the umpire.

SEVERAL of the letters favoring the bill cited the Mallory decision limiting powers of Federal officers to question a suspect before arraignment. The Mallory rule is not involved in Jenner's bill. Most of these letters did not read like lawyers' arguments. But they were not the identical form letters often produced by a pressure campaign. The Subcommittee staff said it had some of those and had kept them out of the record.

Those opposed to the bill usually made the argument that the bill would create "legal chaos" by removing the one Court that can interpret the law for the whole country. They say it would destroy the last and most important step of the cherished and needed tradition of judicial review. Many question and some challenge its constitutionality.

O'Brian, an elder statesman of American law, wrote that he was "unalterably opposed" to the bill. He called it "an attempt to strip citizens of the protection of judicial review by the highest Court of our land . . . a protection that has existed since the first days of our Republic."

It is a "direct attack on our Federal system of Government," he said, "threatens the independence of our judiciary and brushes aside as unimportant all considerations of personal freedom. It is so sweeping and so squarely at odds with our constitutional system as to cast grave doubts on its constitutionality."

The Constitution permits Congress to regulate the appellate jurisdiction of the Court. But the Constitution must be read as a whole, said O'Brian. He said a law enacated under one provision of the Constitution could violate others.

The Jenner bill, said O'Brian, strikes "at the heart of the Supreme Court's functions as one of the three coordinate branches of the Federal Government, as impartial arbiter of Federal-State relationships and as historic protector of the freedoms of the individual."

WROTE Dean:

"Judicial review of the acts of legislatures, governmental bodies and officials is one of the fundamentals of our American constitutional system . . . (The Jenner bill) seriously infringes the doctrine of judicial review as we have known it since the days of John Marshall . . . The Supreme Court of the United States is the only court in our system which can perform the important task of judicial review in all its aspects, since the Supreme Court alone is empowered to review decisions of both the State and Federal courts."

Enactment of the bill, said Dean "might well lead to legal chaos in that the same legal questions could be decided differently by two Federal courts of appeal or by a State supreme court and a Federal district court." This would mean "the supreme law of the land might be different for persons depending on where they live.

The Communist menace is real, said Dean, but "the question is whether we should change our own historical institutions that have worked well or reasonably well for about 170 years because we are faced with certain evils." He thinks not.

Dean Griswold of Harvard called the bill "probably constitutional" but contrary to the Constitution's spirit.

"It is of the essence of the Constitution," he wrote, "that we have an independent judiciary. We will not have an independent judiciary if the Congress takes jurisdiction away from the Supreme Court whenever the Court decides a case that the Congress does not like."

He compared the bill to Franklin D. Roosevelt's Court-packing plan which he considered equally "unwise and unnecessary."

"The Supreme Court is an essentially conservative institution," said Griswold. "It is in the nature of things that it should be the subject of controversy, since the questions which come before it are difficult and important ones. But the Court is the balance wheel in our Government . . . It keeps us from swinging too far one way or the other. Throughout our history, the Court has, on the whole, performed well the essential function of keeping our Government on a sound middle course . . . If the Supreme Court is once made subservient (to the other branches) a great conservative influence which has played a key part in the successful functioning of our Government would be substantially impaired."

Everyone is free to criticize the Court's decisions, said Griswold. Sometimes they deserve it, he added. But to take away its review authority in a difficult and lively area of the law would, he said, solve no problem and could turn the law of the land into a "patchwork."

Senator Jenner Would Cripple The Supreme Court

SENATOR JENNER has been conducting one-man hearings on his bill to curb the powers of the Supreme Court. The Senate Judiciary Committee, of which he is a member, will make up its mind about the measure next week.

But even if this committee reports out the bill, its chances of eventual passage are still mercifully dim. The weight of evidence, even with the witness list loaded by such JENNER supporters as the right-wing Republican CLARENCE MANION, has been heavily against the bill. It was rejected by the American Bar Association, and Attorney General WILLIAM P. ROGERS said in a letter to the committee that the bill would "threaten the independence of the judiciary." Another witness described it as a "legislative nullity," unconstitutional on its face, and even the *Chicago Tribune*, which has a worshipful admiration for Senator JENNER, deplored the bill while praising the Senator's motives.

The JENNER Bill would forbid the Supreme Court to hear appeals in cases involving Congressional investigations, the Federal employee security program, state anti-subversive laws and state school regulations concerning subversive activities by teachers. These sweeping prohibitions would bar from a final appeal scores of the very people who have found themselves most at a disadvantage in state courts or under the restrictive regulations of agencies and boards with power to hire and fire. It represents the limits to which people who at heart fear the guarantees of the Constitution are willing to go to circumvent it. The bill's chances for passage are slight, but as long as there are JENNERS to think up such curbs there will be a need for vigilance, in Congress and out, to protect our basic freedoms from such destructive affections.

Jenner's Bill To Curb Court Stirs Contr oversy

By JOHN CHADWICK

WASHINGTON (AP) — A bill by Sen. Jenner (R-Ind) to curb the power of the Supreme Court was reported today to be facing defeat in the Senate Judiciary Committee.

Sources close to the committee said that a majority of the 15 members now oppose the controversial measure, although a compromise was not ruled out.

The issue may come to a vote at the committee's regular weekly meeting Monday.

The bill has been denounced by opponents as the most serious assault on the independence of the judiciary since the late President Roosevelt's unsuccessful 1937 "court-packing plan."

But Jenner, accusing the court of usurping legislative functions, contends his bill simply makes use of a congressional check on judicial power that is expressly set out in the Constitution as part of the system of checks and balances.

What the bill would do is to limit the Supreme Court's appellate jurisdiction by withdrawing its authority to review lower court decisions in five categories.

These are cases arising from congressional investigations, security firings of federal employes, state antisubversion laws, regulations of school boards or similar bodies concerning subversive activities by teachers, and the admission of lawyers to practice in state courts.

In each of these fields, the Supreme Court recently has handed down controversial decisions.

In the Nelson case, for example, the court threw out state anti-subversive legislation on the ground that the federal government had pre-empted the field. In the Cole case, it held that a statute providing for summary dismissal of federal employes as security risks applied only to sensitive jobs.

The court also found in two cases last year that excluding lawyers from practice on charges of past or present subversive activity violates the 14th Amendment. In another case, it ruled that a schoolteacher cannot be fired solely because of invoking his Fifth Amendment protection against self incrimination.

In still another controversial decision, in the Watkins case, the court said that congressional committees have no power of "exposure for exposure's sake" and cannot compel witnesses to answer without showing their questions are pertinent to a valid legislative purpose.

Under Jenner's bill, no appeals could be taken to the Supreme Court in all future cases in these fields. Instead, the final decisions would rest with the highest courts in each of the 48 states and in the 11 federal Circuit Courts of Appeal.

This is what has given rise to the argument of opponents that the billl would cause legal chaos, that "we would have not one but 59 Supreme Courts."

But the constitutionality of the

SEN. JENNER
Would Check Court

Jenner bill itself, should it be passed, would be subject to review by the Supreme Court.

The argument over the legislation, however, has centered about its wisdom, not its constitutionality. Most of the opponents have taken the position that Congress is empowered to limit the court's appellate jurisdiction.

Article III, Section 2, of the Constitution provides that the Supreme Court shall have appellate jurisdiction, "with such exceptions and under such regulations as the Congress shall make."

At hearings on the bill, Clarence Manion, former dean of the University of Notre Dame Law School, cited this provision in testifying that "Congress is expressly authorized to do what this bill proposes to accomplish."

Manion, a professor of constitutional law for 25 years, strongly supported the bill. He said it would restore to Congress and the states constitutional powers "which the Supreme Court has usurped, destroyed, or impaired."

In contrast, testimony or statements in opposition to the bill were received from the deans of 30 law schools in all parts of the country. Among them was Joseph O'Meara, present dean of the Notre Dame Law School. He denounced the bill as "vicious."

Favorable comments were received from only three law school deans.

Dean Erwin N. Griswold of the Harvard University Law School, said the bill was punitive in purpose, would undermine the independence of the judiciary, and lead to intolerable confusion.

While describing the bill as probably constitutional, he said it was "contrary to the spirit of the Constitution."

Some well-known llalwyers, such as John Lord O'Brian of Washington, maintained the bill is "so sweeping and so squarely at odds with our constitutional structure as to cast grave doubts on its constitutional validity."

A Bill To 'Kill the Umpire'

(From The Christian Science Monitor)

The Senate Judiciary Committee has approved, 9 to 6, two of the five sections of the Butler amendment, which is in effect a less sweeping version of the Jenner bill to curtail the jurisdiction of the Supreme Court. (Three are still to be acted on.) It is, said Senator Hennings, an example of "kill the umpire philosophy."

The favorable vote had been somewhat expected—except that of Senator Arthur V. Watkins. Every one of the other eight senators—Butler, Jenner, Dirksen, Hruska, Eastland, McClellan, Erwin, and Olin D. Johnston—is committed to some special cause which has run into a Supreme Court check: racial segregation, Communist hunting, or state rights.

Somewhat the same support may be brought to the remaining three provisions of the bill. If so, and if the bill should ever become law, no witness could appeal beyond a congressional committee's own definition of what is inquiry directed toward legislation and what is merely personal or political foraging. Any state legislation would be presumed to prevail over federal law (the Constitution notwithstanding) unless Congress specifically declared otherwise. And the mere speaking or writing of opinions which might be adjudged advocating overthrow of the government, no matter how remote from any incitement to action, would be subject to criminal penalites.

Disagreement with certain decisions of the Supreme Court (and who has not disagreed with some?) offers insufficient grounds for truncating the court's jurisdiciton over whole areas. Should the committee report out this bill, we hope that Congress will resoundingly defeat it.

12d 1958 JENNER BILL SUPREME COURT

Southern Senators Adopt Thaddeus Stevens' Line In Their War Against Supreme Court's Powers

Post + Times Herald Washington D.C. Mon. 3-10-58

By Irving Brant
Historian and biographer of James Madison

Politics runs in circles and passes strange bedfellows on the way. But who would have thought that Southern Senators would make Thaddeus Stevens their demigod 90 years after he enslaved the defeated South with armies of occupation?

Of course, Senator Eastland of Mississippi and his embattled brethren are not overly eulogizing Stevens on the floor of Congress. They are paying him the more flattering tribute of imitation. In their present war against the Supreme Court they are adopting the constitutional views, the measures, the arguments, the spirit of violence and almost the words with which Stevens and his Radical Republicans bolstered the military dictatorship over the South which they established after President Lincoln's death.

The symbol of this new deification is Senator Jenner's bill to strip the Supreme Court of appellate jurisdiction in five categories of cases. Mr. Jenner, a Republican member of the Senate Judiciary Committee, is from Indiana. But there is a well-recognized affinity between him and Democratic chairman Eastland of that committee, and the affinity extends to their states. Indiana is to the North what Mississippi is to the South.

Eastland Gives Support

Ordinarily, such a monstrosity as the Jenner bill would be pickled in formaldehyde as an exhibit in senatorial irresponsibility. Instead, Chairman Eastland has joined with its author to give it all the support in their power, through their common membership in the Subcommittee on Internal Security. They don't expect its passage but it can be a powerful propaganda weapon against the Court.

The Jenner bill forbids the Supreme Court to review any case which questions the validity of any function or practice of a congressional committee, or any action for contempt of Congress, or any security action in the Executive department based on an act of Congress, or any state law against subversive activities, or any schoolboard regulation on that subject, or any state regulation concerning admission to the practice of law.

Each item in that list is aimed against a specific decision of the Supreme Court, made during the last few years in defense of constitutional rights, and one of them is a catch-all. By using the title, "An Act to Control Subversive Activities," a state could prohibit anything it chose, from racially integrated schools to parachute descents from the moon. The Supreme Court could do nothing to check the rampage.

And where does Thaddeus Stevens come in? Right there. As evidence of the power of Congress to remove the intestines of the Supreme Court, Senators Eastland and Jenner cite the McCardle Case of 1868. In that year the Supreme Court unanimously upheld a law on which the Eastland-Jenner bill is admittedly based—a law (irony of ironies) put through by Thaddeus Stevens to prevent the Court from protecting citizens of Mississippi against arbitrary imprisonment by a military tribunal.

Post + Times Herald

Court Bowed to Law

When one looks at the McCardle decision by itself, the sight is impressive. Congress passes a law forbidding the Court to act. The Court, without a single member dissenting, bows to the law and dismisses the appeal.

Eastland Stevens Jenner
. . . the flattering tribute of imitation

But what is found when one looks at the sequence of events leading up to that unanimous decision? Was the Court free to express its real conviction, or was it too operating under the Thaddeus Stevens dictatorship which had overwhelmed the President and was terrorizing the South?

Mon. 3-10-58

Here is what happened:

In 1866 the Supreme Court got up enough courage to rule—as it had refused to do during the Civil War—that civilians could not be tried by a military tribunal, either during war or peace, in any area where the civil courts were open. The vote was five to four.

To meet the crisis, the Reconstruction Radicals in Congress reduced the Supreme Court's membership to seven and forbade the filling of vacancies until after that number was reached through natural causes. Two members promptly died.

Congress then passed a law giving the Supreme Court appellate jurisdiction in cases of habeas corpus. No such power had been specified in the Judiciary Act of 1789 because the slow process of appeal was unnecessary and virtually worthless in this type of action. In recognition of this fact, the 1789 Judiciary Act had endowed every Federal judge in the United States, including every individual justice of the Supreme Court, the original authority to issue such writs.

Why then was this appellate power conferred in 1867? Not in order to *grant* writs of habeas corpus but to take them away. The purpose—the boldly declared purpose—was to enable the Supreme Court to cancel any writ that might be issued by a district or circuit judge in the South to protect the victims of Reconstruction legislation.

One Fact Overlooked

But Stevens and his Radical Republicans overlooked one fact. A person *denied* habeas corpus also could seek a reversal in the Supreme Court, and such an appeal would involve a decision on the constitutionality of the Reconstruction Acts.

That is just what happened. A Mississippi editor named McCardle wrote an editorial about the conduct of a military tribunal—an editarial which that body regarded as "incendiary and libelous." He was arrested and held for trial by a military commission, without grand jury action or trial by petit jury, both guaranteed by the Constitution. In the hearing of his application for a writ of habeas corpus, the military officers admitted the deprivation of rights but cited the denial of those rights in the act of Congress setting up such commissions. The Federal judge turned McCardle back to the military and he appealed to the Supreme Court.

To the dismay of the Radical Republicans in Congress, the Supreme Court accepted jurisdiction. The case was argued on March 2, 3, 4 and 9, 1868, and taken under advisement. During that same month, before the judges reached a decision, a bill was rushed through Congress, vetoed by President Johnson and repassed over his veto, revoking the power of the Supreme Court to review questions of habeas corpus. The Court then postponed a decision until fall, at which time it made this ruling:

"We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words . . . It is quite clear, therefore, that this court cannot proceed to pronounce judgment in this case, for it no longer has jurisdiction of the appeal."

Was that the sober judgment of the Court, or was its action the result of terror?

Let us trace the course and measure the magnitude of the pressure under which the Court was operating. The squeeze began on Jan. 30, 1868, the day after the Washington *Evening Express* published the following editorial:

"At a private gathering of gentlemen of both political parties, one of the justices of the Supreme Court spoke very freely concerning the reconstruction measures of Congress, and declared in the most positive terms that all of these laws were unconstitutional, and that the Court would be sure to pronounce them so. Some of his friends near him suggested that it was quite indiscreet to speak so positively; when he at once repeated his views in a more positive manner."

The next morning the Baltimore *Gazette* named the justice, Stephen J. Field. This was disconcerting to the Radical Republicans, for Justice Field was one of the staunchest supporters of the Union against the Confederacy. If he spoke truly the Court was lost. Military rule of the South seemed about to vanish.

So on that day Schofield of Pennsylvania, a lieutenant of Thaddeus Stevens, read the editorial to the House and moved "That the Committee on the Judiciary inquire into the truth of the declaration therein contained, and report whether the facts constitute such a misdemeanor in office as to require the House to present to the Senate articles of impeachment against the said justice of the Supreme Court."

Resolution Passed

The House passed the resolution looking to Justice Field's impeachment and then moved on to higher game. Within four weeks it adopted articles of impeachment against President Johnson. The charge was that he had ousted one of his Cabinet members in violation of the lately-enacted Tenure of Office Act—a palpably unconstitutional law. But the real reason was that he was seeking to restore harmony between the victorious North and the conquered South.

Into this maelstrom of human passions came the McCardle case, threatening to knock the bottom out of the whole system of reconstruction by military force. Thaddeus Stevens met the issue by asking Congress—which never disobeyed him—to revoke the appellate power of the Supreme Court in habeas corpus cases. The measure went through the House by sleight-of-hand, as an unnoticed and undebated amendment to an innocent bill, and escaped debate in the Senate by coming up at the end of a fatiguing day. Only in the overriding of the veto did opponents get a chance to speak. Replying to the pretense that the bill was unrelated to current events, Doolittle of Wisconsin said:

"We all know, the whole world knows, that this case of McCardle is pending in the Supreme Court . . . and that it . . . involves the constitutionality of the reconstruction acts which confer upon military tribunals the power to try men in civil life without the presentment of a grand jury and without trial by a petit jury as is required by the Constitution of the United States."

Policy Attacked

What were the people of the United States to understand from such legislation, asked Congressman Woodward. This former chief justice of Pennsylvania, once nominated to the United States Supreme Court by President Polk but rejected by the Senate, answered his own question:

"Just this: that the legislative department of the country is determined to consolidate . . . this Government into a grand legislative oligarchy, the country to be governed by the Legislature, and the Legislature to be governed by a caucus, and the caucus to be governed by, the Lord knows who; for I do not know who will succeed my venerable friend from Pennsylvania (Mr. Ste-

vens) when he shall depart."

It was under these circumstances that the Supreme Court unanimously upheld the act of Congress upon which Senators Eastland and Jenner have modeled their current assault on the judiciary department of government. The McCardle Case was decided under the threatening shadows of the impeachment trial of President Johnson, who escaped removal from office by a single vote.

It was decided with a preliminary impeachment resolution hanging over the head of Justice Field for daring to predict at a social gathering (if newspaper gossip was correct) that military rule of the South in violation of constitutional guarantees would be held uncontutional.

That is the historical record on which Senator Eastland and Jenner must defend their bill— a bill avowedly modeled upon a law forced through Congress by Thaddeus Stevens to support a military dictatorship over the people of Mississippi—a bill supported by a Supreme Court decision drapped from cowering justices by the threat of impeachment. The next step, it would seem, is for Senator Eastland to ask the Mississippi legislature to place a statue of Thaddeus Stevens in the Capitol rotunda

2 Legal Experts Oppose Curb on Supreme Court

Post & Times Herald

Washington D.C.

Associated Press

Two legal experts, including the former law partner of Secretary of State John Foster Dulles, yesterday opposed a bill to curb the Supreme Court's powers.

Sat 3-1-58

Jefferson B. Fordham, dean of the Pennsylvania Law School, said passing the bill just because of disagreement with the Court's decisions would be "in substance, to impugn the integrity of the judicial process."

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Arthur H. Dean, New York attorney and former Dulles' partner who participated in armistice negotiations with the Communists in Korea, said the bill "might well lead to legal chaos."

Fordham testified before the Senate Internal Security Subcommittee, which is holding hearings on the measure by Sen. William E. Jenner (R-Ind.). Dean put his views in a letter to the Committee.

Taking the other side at the hearing was Kent H. Courtney, publisher of the Independent American in New Orleans. He said it had a circulation of more than 25,000 in 48 states.

Courtney said there has been a general awakening in the country that the Court has "continued to hand down decisions favorable to our enemy, the Communists."

Jenner's controversial measure would deprive the Supreme Court of authority to review cases involving congressional investigations, Federal employe security programs, state antisubversive legislation, school board actions with respect to subversive activities by teachers, and state laws governing admission to the bar.

In a letter to Chairman James O. Eastland (D-Miss.) of the Internal Security Subcommittee, Dean opposed Jenner's bill as striking at "one of the fundamentals of our American constitutional system."

With the Supreme Court denied authority to review the types of cases in question, Dean said, the result "might well lead to legal chaos in that the same legal questions could be decided differently" by lower courts on both the Federal and state level.

Thomas E. Harris, associate general counsel of the AFL-CIO, said the AFL-CIO is convinced the bill "would accomplish nothing worth while and would, on the contrary, be productive of much mischief."

A Dangerous Bill

Opro-Americar

A dozen or more bills designed to cripple the Supreme Court have been introduced in Congress, but the one which has received the most attention is S. 2646.

Baltimore Md.

It's author is a lame-duck Republican Senator William E. Jenner of Indiana.

Sat. 3-15-58

The measure represents an effort of Northern extremists angered by the court's rulings in Communists cases, to make common cause with Southern diehards, embittered by the 1954 school desegregation decision.

P. 4

Aided by Senate Judiciary Chairman James O. Eastland, Jenner would take from the Supreme Court its power to review:

1. Cases questioning the validity of congressional investigating committee proceedings;

2. Cases questioning the loyalty - security program concerning Federal employees;

3. Cases questioning the validity of public and private school regulations "concerning subversive activities in its teaching body";

4. Cases questioning the validity of state action directed at alleged subversive activities;

5. Cases questioning the validity of state regulation concerning the admission of persons to practice law within a state.

The outrageously vindictive Jenner-Eastland bill would not only undermine the traditional authority of the nation's highest court, it would also deprive citizens of the privilege of appealing to the judiciary for protection of their inalienable rights.

It is a thinly disguised conspiracy to destroy the Bill of Rights.

Above and beyond our patriotic interest in safeguarding the historial role of the Supreme Court is the certain knowledge of how this insidious measure would be used in certain states to reverse the strong current of freedom now flowing in the South.

Why else would it have the enthusiastic support of Mississippi's Dixiecrat, Eastland?

If this measure were passed, no imagination is needed to envision how quickly Georgia would pass legislation classifying all efforts to abolish segregation as subversive;

Or the speed with which South Carolina and Louisiana would empower school boards to label any attempt to integrate public schools as "communist inspired";

Or the rush of Mississippi and Alabama to disbar any lawyer who had the temerity to take an NAACP suit to desegregate parks and public recreational facilities.

This would be possible because the Jenner - Eastland monstrosity gives the highest state courts and the U.S. Court of Appeals the final word in all of these areas.

The United States Constitution could thus be given one meaning in New York and another in North Carolina.

Judicial chaos and the bold and unfettered tramping on human and constitutional rights would be the inevitable result.

It's a thoroughly bad proposal. The only happy thing about it is that it has only the remotest possibility of being enacted into law.

Justice Burton Retiring From Supreme Court

By Edward T. Folliard
Staff Reporter

Associate Justice Harold H. Burton will retire from the United States Supreme Court on Monday, thereby opening the way for President Eisenhower to make his fifth appointment to the 9-man tribunal.

Justice Burton, a Republican, who was appointed by President Truman in 1945, made known his decision to retire as the Supreme Court was opening its fall term yesterday.

He submitted his "notice of retirement" in a 2-paragraph letter to President Eisenhower, explaining that he had reached the permissive retirement age of 70.

"I do this with regret," he wrote, "but in accordance with competent medical advice and with a desire to serve the best interests of all concerned."

General Eisenhower, replying to the letter, said it was with "great regret" that he learned of Justice Burton's decision to retire. He praised his 13 years of service on the court, saying that he had served with "high distinction and great dedication to the principles under which we live and the changing conditions of the world today."

"I trust," the President added, "that with the leisure your retirement will bring, your health will greatly improve."

Under a law that permits retirement at the age of 70 after 10 full years' service, Justice Burton will continue to draw his full salary of $35,000 a year.

Justice Burton's retirement means that a majority of the Supreme Court members soon will be appointees of President Eisenhower. His first appointment was that of Chief Justice Earl Warren in 1953. Then came the appointments of John Marshall Harlan in 1955, William J. Brennan Jr., in 1956, and Charles E. Whittaker in 1957.

The last time there was a vacancy, brought about by the retirement of Associate Justice Stanley F. Reed, three men were mentioned in the speculation over a new justice — Secretary of State John Foster Dulles, the then Attorney General Herbert Brownell Jr., and former New York Gov. Thomas E. Dewey.

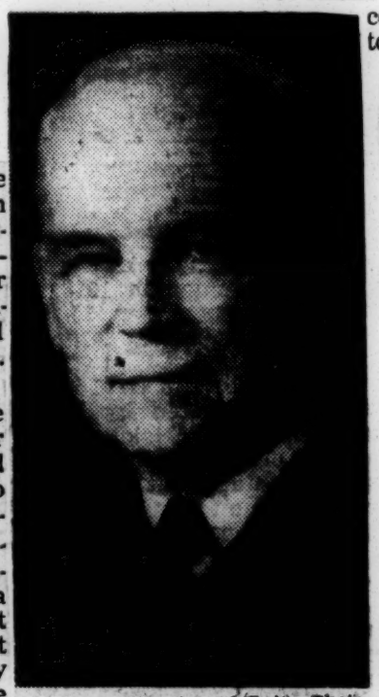
Evidently none of the three was seriously considered for the vacancy at that time, and there seems good reason to doubt that any will be seriously considered this time.

President Franklin D. Roosevelt was not able to appoint a Justice to the Supreme Court in his first term, a fact about which he complained bitterly at the time in 1937 when he was pushing his plan to reorganize the court, which critics called a "packing plan."

He appointed four Justices in his second term and four more in his third. Only three of these remain — Justices Hugo L. Black, Felix Frankfurter and William O. Douglas.

President Truman appointed four, of whom Justice Burton was the first. Then came the appointment of Fred M. Vinson, Tom C. Clark and Sherman Minton.

Justice Burton was born in Jamaica Plain, Mass., June 22, 1888, the son of Dean Alfred Burton of the Massachusetts Institute of Technology. He went to Bowdoin College and Harvard Law School.



Harris and Ewing Photo

JUSTICE BURTON
. . . leaving high court

Justice Burton To Retire From Supreme Court

WASHINGTON (AP)—Harold H. Burton is retiring as an associate justice of the Supreme Court, effective Oct. 13.

The White House announced Monday that President Eisenhower had received a request from Burton for retirement and had approved it with great regret.

Burton, 70, wrote Eisenhower he was stepping down from the high tribunal "with regret but in accordance with competent medical advice and with a desire to serve the best interests of all concerned."

Burton, a former U.S. senator from Ohio, is a Republican. He was appointed to the court by President Truman on Oct. 1, 1945.

His retirement came as the court started its fall term.

With the eight other members of the court, he joined only last week in reaffirming the tribunal's school integration ruling.

The retirement means Eisenhower now will fill the fifth high court vacancy to occur since he took office in 1953.

Justice Burton To Leave Court

Ohioan, Truman Appointee, Served For 13 Years —Health Is Cited,

By United Press International

WASHINGTON, Oct. 6.—President Eisenhower Monday announced the retirement on Oct. 13 of Supreme Court Justice Harold H. Burton.

Justice Burton, a Republican senator from Ohio when he was named to the high tribunal by President Truman in 1945, notified the Chief Executive of his retirement on advice of doctors.

Justice Burton was 70 years old June 22 and thus reached the permissive retirement age for members of the Federal bench.

Fifth For Eisenhower

The retirement gave President Eisenhower the opportunity to make his fifth appointment. The President previously named Chief Justice Earl Warren in 1953, Associate Justices John M. Harlan in 1955, William J. Brennan Jr. in 1956, and Charles E. Whittaker in 1957.

The President expressed "great regret" at the retirement.

Justice Burton, born in Jamaica Plains, Mass., on June 22, 1888, served as mayor of Cleveland, Ohio, from 1935 until 1940, when he ran for the Senate.

With Start Of Term

Justice Burton's retirement came as the court started its fall term Monday.

The forthcoming selection will put an Eisenhower majority on the court, to one Truman appointee and three named by Franklin D. Roosevelt.

There was no immediate indication as to whom Mr. Eisenhower might name.

Only last month, Justice Burton discussed the high points of his service on the court. He said the integration question was one, and "another was the attempt of President Truman to take over the steel mills" in 1952.

Burton was with the majority of six justices who held against Truman in the steel case. He has gone along with all the unanimous decisions since 1954 against forced segregation of school children.

New Term Started by High Court

WASHINGTON, Oct. 6 (UPI)—The Supreme Court opened its 1958-59 term today and Justice Felix Frankfurter promptly and bitterly denounced officials of the State of Arkansas for thwarting court-ordered school integration in Little Rock.

Without mentioning Gov. Orval E. Faubus by name, Frankfurter said defiance of "the law of the land" by those in authority in Arkansas "is profoundly subversive not only of our constitutional system but of the presuppositions of a democratic society."

Frankfurter issued a concurring opinion in the Little Rock school case immediately after the high court opened its fall term with a perfunctory 18-minute session. The admission of 52 attorneys to practice before the court was its only item of business.

Frankfurter said he agreed unreservedly with the court's recent opinion at its special summer term barring any delay in integration at Little Rock's Central High School and reaffirming its 1954 decision barring racial segregation in public schools.

But he said he deemed it appropriate "also to deal individually with the great issue here at stake."

Frankfurter said the "tragic aspect" of Arkansas' decision to close its schools rather than comply with court integration orders was that "the power of the state was used not to sustain law but as an instrument for thwarting law."

Burton to Retire From High Court

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Fifth Vacancy.

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In recent years, whenever there was a vacancy on the court the names of former Gov. Thomas E. Dewey of New York and former Atty. Gen. Herbert Brownell have popped up regularly. However, both are generally considered not interested these days.

Eisenhower has named Chief Justice Earl Warren and Justices John M. Harlan, William J. Brennan and Charles Evans Whittaker.

Truman named Tom Clark in addition to Burton. Roosevelt's selections remaining are Hugo L. Black, Felix Frankfurter and William O. Douglas.

In the fall of 1945, after Truman had succeeded to the presidency, there was only one Republican left on the court—Chief Justice Harlan Stone. It was partly to redress the political balance that Democrat Truman picked Republican Burton to fill the first vacancy that opened.

Burton was born in Jamaica Plain, Mass., of Maine ancestry. He was a Phi Beta Kappa and a football quarterback at Maine's Bowdoin College.

He was mayor of Cleveland from 1935 to 1940, just prior to going to the Senate.

In his letter to Eisenhower, Burton noted he is now past the permissive retirement age of 70. He added that having given 25 years of public service, including nearly 13 as a member of the court, he has decided to retire from further active service.

Burton, at his age, is entitled to retire on full pay of $35,000 a year.

RETIRING JUSTICE—Associate Justice Harold H. Burton and his wife pose on a park bench in the Capitol Plaza after it was announced Monday he would retire from the Supreme Court.

Bar Raps Constitution Curbs for High Court

By FRANK WELLS

The American Bar Assn. went on record here Tuesday as opposing any congressional limitation on the field of Supreme Court jurisdiction.

The resolution brought on a spirited debate—not as to the court's jurisdiction—but as to the wording of the resolution itself.

The board of governors of the association had voted earlier, adopting a resolution stating merely that it opposed Senate Bill 2646, which would take away from the Supreme Court jurisdiction in cases involving congressional committees, executive security programs, state security programs, school boards or admissions to the bar.

OFFERS AMENDMENT

John C. Satterfield, Jackson, Miss., attorney and member of the association's board of governors, offered an amendment to the resolution. In speaking for his amendment, he said, in part:

"In order that there be no misunderstanding on the part of some newspapers and other media, I think that the resolution should spell out that the resolution does not mean that we are giving up our rights to criticize judgments of the court, but rather that we believe in the checks and balances in the three branches of our government."

TOO STRONG

Satterfield's first amendment contained the words "since 1949 there have been rendered by the Supreme Court decisions . . . which are felt by many to be contrary to recognized constitutional precedents and which undertake to confer upon the federal government powers reserved to the states by the Constitution. . . ."

Satterfield's words were too strong for other members of the House of Delegates of the association.

Other members arose to bring out arguments in favor of the first proposed simple statement of opposition to the proposed Senate bill.

After several speeches, the House of Delegates was adjourned for lunch.

After lunch, a compromise amendment was offered by Satterfield. The substitute amendment left out the controversial words, and resolved that "reserving our right to criticize decisions of any case of any court and without approving or disapproving any decisions of the Supreme Court . . . the association opposes enactment of the . . . bill."

After a speech of approval by Charles S. Rhyne, Washington, president of ABA, approving the substitute, the amendment carried by voice vote.

One resolution of the association took notice of the fact that "government by agencies" has grown to such an extent in the federal government that there are "some 102 administrative tribunals in the departments and agencies which are adjudicating cases, some without statutory authority, as compared with 85 district courts in the judicial department.

"With respect to the legislative function, the fact is that more laws, affecting more people, are being written, not by Congress itself, but actually by the administrative agencies."

The association called on Congress to continue study of agency organization to "safeguard the rights of citizens and assure public confidence in proceedings free from improper influences."

The association also went on record favoring an appropriate code of agency-tribunal conduct comparable to the Canons of Judicial Ethics. The association asked that such a code be established by statute binding upon "all persons engaged, interested, participating in, or seeking to affect the result of the adjudication of agency-tribunal cases."

A joint committee of the Bar Association and the American Medical Assn. recommended five major research projects in the field of narcotic drug addiction. The joint committee made its recommendations to the House of Delegates of the Bar Association.

Charges Supreme Court Usurps Congress' Power

BY WILLARD EDWARDS

Washington, Feb. 21—The United States Supreme court under Chief Justice Earl Warren is threatening to reduce Congress to a subordinate branch of government.

This charge was made today by Robert Morris, who recently resigned as the senate's chief investigator of communist activities to seek the Republican senatorial nomination in New Jersey.

Morris and two other witnesses urged the internal security subcommittee to report favorably a bill sponsored by Sen. William E. Jenner [R., Ind.], which is designed to vacate the effect of eight Supreme court decisions last year.

Limited Red Prosecutions

These rulings denied or limited the powers of Congress, the states and the federal government to expose and prosecute Communists and remove them from public employ. The Jenner bill would strip the Supreme court of jurisdiction to review lower court decisions in such cases.

Morris noted that the Constitution clearly intended Congress to be the dominant body of the three branches of government. But the executive department under the Roosevelt, Truman, and Eisenhower administrations has steadily encroached upon congressional authority, he said, and the judiciary is now engaged in hastening the congressional decline.

The investigatory power of Congress is necessary to its very existence because Congress cannot legislate properly in ignorance of facts, Morris said, but "an aggressive majority" of the Supreme court under Chief Justice Warren has seized "wholly new judicial functions" to hamper congressional inquiry.

"Chief Justice Warren, without judicial precedent, has added a new amendment to the Bill of Rights, 'freedom of association,' which Congress must respect in questioning witnesses who have participated in the organized soviet conspiracy here," Morris told acting Chairman Roman L. Hruska [R., Neb.]

"It is baffling to me that this protective judicial device, which shelters Khrushchev's advance agents here, came into being for the first time when soviet power is very high and those agents are examining our coast lines for possible missile attack."

Ira W. Latimer, 5013 S. Dorchester av., Chicago, executive secretary of the Chicago Civil Liberties committee, told the subcommittee he belonged to the Communist party in 1945 and 1946, thtreafter coöperating with the federal bureau of investigation in exposing its activities.

Nine Legal Delinquents

Communists, Socialists, Marxists and fellow travelers have infiltrated the state and federal courts in many cases, he charged. Urging passage of the Jenner bill, he said it would not entirely solve the problem of "subversive legal decisions."

Hearings End On Court Curb

By Richard L. Lyons
Staff Reporter

The Senate Internal Security Subcommittee yesterday wound up three weeks of hearings on a bill to strip the Supreme Court of its authority to review most cases in the security field.

The parent Judiciary Committee may act on it Monday. Sen. William E. Jenner (R-Ind.), the bill's sponsor, predicted the full Committee would approve the bill and send it to the Senate floor for a vote. Opponents think they can kill the bill in Committee. They are more confident that they could kill it on the floor if it gets that far.

The bill has been opposed by Attorney General William P. Rogers, the American Bar Association and groups interested in civil liberties. Its support has come in large measure from ultra-conservatives. More than 50 witnesses have testified, most of them in favor of the bill. The Committee has showed little interest. Almost never has more than one Senator attended the hearings.

Jenner filed the bill last summer after the Supreme Court handed down a series of decisions upholding individual rights. The Subcommittee approved the bill then after a hearing at which only Jenner and a staff member testified. The Judiciary Committee last month sent it back for full hearings and a report by March 10.

The bill would prevent the Court from reviewing cases touching the investigative powers of Congress, the Federal employes security program, state sedition laws, school boards' anti-subversive rules, and the admission of lawyers to practice in the states.

Testimony at yesterday's closing session summed up the arguments on both sides.

Clarence Manion, former dean of Notre Dame's law school and fired by President Eisenhower in 1954 as chairman of the commission on intergovernmental relations because of policy clashes, endorsed the bill.

Manion said the Court in the Watkins case and others has stripped Congress of its power to check communism within this country. The bill, he said, "will restore constitutional powers to the Congress and to the states which the Supreme Court has usurped, destroyed or impaired."

Arthur J. Freund, St. Louis attorney, said the bill if enacted would create "legal chaos." Removal of the Supreme Court as a final umpire would "destroy legal uniformity" and permit different law on the same point in each of the 11 Federal circuits and the 48 states, he said.

Freund conceded that the Constitution permits Congress to limit the Court's jurisdiction. Even so, he considers it unconstitutional because it would deny a citizen the right to appeal a violation of constitutional rights to the Supreme Court.

Dishonorable Discharges For 2 Vets Reversed

By ETHEL L. PAYNE

WASHINGTON — The Supreme Court has reversed the dishonorable discharges given to John Henry Harmon, 3rd and Howard D. Abramowitz both of New York City.

Harmon is the son of the accountant for Abyssinnian Baptist church who recently confessed to embezzling $10,000 of church funds. The church is pastored by Rep. Adam Clayton Powell.

The two men are veterans of World War II.

In technical terms, Harmon was given a "general discharge" under honorable conditions and A. Abramowitz received an "undesirable discharge."

Their suits against the Army were based on claims that the types of releases barred them from certain benefits.

USED THE 5th

Harmon was inducted in the the Army Oct. 31, 1952. On May 7, 1953, he was questioned by military authorities concerning membership in and association with the Communist Party. Harmon answered some of the questions, but used the Fifth Amendment on others.

He was ordered by the Adjutant General to explain in writing certain information regarding his security status which had been received by the Army.

This included charges that he had registered with the American Labor Party in 1952 which was cited by the House Un-American Activities Committee as being Communist dominated;

That he had solicited contributions for the defense of persons under indictment for violations of the Smith Act; that he had worked in 1949 for the Detroit Urban League, reportedly a subversive organization; and that his father was member of the Communist Party and his stepmother has registered with the American Labor Party.

U. S. Appellate Judge, John J. Parker, Dies

Washington, March 17 (AP)—Chief Judge John J. Parker of the Fourth United States Circuit Court of Appeals, died here Monday of a heart attack.

Parker, 72, long had been one of the nation's most eminent judges. His home was in Charlotte, N. C.

Former President Herbert Hoover nominated Parker to the Supreme Court in 1930, the nomination was rejected by the Senate, 39 to 41.

Playing a major role in his rejection was his decision in the 1920's "yellow-dog" labor-contract case, later overruled by the Supreme Court. Parker held that employees had the right to sign employers' contracts in which they gave up their right to join unions.

Headed 3-Judge Panel

After the Supreme Court's 1954 pronouncement that segregation of public-school children is unconstitutional, Parker headed the three-judge panel that issued the first lower-court injunction implementing the ruling. This came in a Summerton, S. C., case.

Parker was active in Republican affairs before his appointment to the Circuit Court of Appeals in 1925 by former President Calvin Coolidge. The circuit embraces Maryland, Virginia, West Virginia, and the Carolinas.

Parker had come here to attend a meeting of the Judicial Conference of the United States.

Associated Press Wirephoto
JUDGE JOHN J. PARKER

HIGH COURT BARS BUS 'BIAS' RULIN(

Refuses to Pass on Law i Tallahassee Separating Passengers by Weight

Special to The New York Times.

WASHINGTON, March 17 — The Supreme Court refused today to decide the constitutionality of a Florida city's ordinance attacked as a "subterfuge for continuing the policy of racial segregation" on buses.

The ordinance in Tallahassee requires bus drivers to assign passengers to seats in such a way as to distribute their weight equally, assure health and safety and prevent violence. It does not mention race.

The National Association for the Advancement of Colored People, seeking to test the ordinance in the Supreme Court, said that in practice bus drivers applied it to segregate white and Negro passengers. It also attacked the ordinance as unconstitutionally vague.

Certiorari Is Sought

A petition for certiorari, or review, was filed by Thurgood Marshall of the N. A. A. C. P.'s legal arm in New York.

In the background of the case is a series of events in Tallahassee after the decision of the Supreme Court in late 1956 that intrastate bus segregation was unconstitutional. That decision was based on a case involving buses in Montgomery, Ala.

The bus company in Tallahassee voluntarily ended segregation soon after the decision in the Montgomery case. Some violence on the buses followed and Gov. LeRoy Collins of Florida ordered bus service in Tallahassee temporarily suspended.

The City Commission adopted the weight ordinance. In a test of the ordinance, two young Negroes and a white youth refused to obey a bus driver's orders of where to sit. They were arrested and convicted of violating the ordinance.

Arguments of City

The city, represented by Leo L. Foster of Tallahassee, argued in the Supreme Court that the three had not exhausted their right of appeal in the Florida courts and hence Supreme Court review was improper. Mr. Marshall disputed this.

The city contended that there was no evidence in the case of racial discrimination. It cited the bus driver as having testified that he had had no instructions bearing on segregating of white and Negro passengers.

The Supreme Court's refusal to review the case does not imply a finding that the ordinance is constitutional or is being constitutionally applied. A different case showing consistent use of the ordinance to segregate Negroes might be treated differently by the court.

Nevertheless, today's action may tend to encourage local efforts in the South to preserve segregated transportation.

Senate Unit Approves Bill To Curb Court

WASHINGTON (AP) — A bill to curb the power of the Supreme Court and undo the effects of some of its decisions in subversion cases was approved 10-5 by the Senate Judiciary Committee Wednesday.

Sen. Hennings (D-Mo) called the bill "an unvarnished attempt to intimidate the nine Supreme Court justices." He said he would fight it every step of the way on the Senate floor.

But Sen. Olin D. Johnston (D-SC) praised the committee's vote as "a genuine victory for states rights and a practical approach to restoring rights to local governments." He predicted the Senate would pass the bill.

LAWYERS PROVISION

It would strip the Supreme Court of its authority to review cases involving state regulations governing the admission of lawyers to practice in state courts.

Sen. Watkins (R-Utah) tried at the last moment to strike this section from the bill but lost 12-3.

Sen. Dirksen (R-Ill) and several other members of the committee reserved the right, however, to support a floor amendment to strike the section. Dirksen said they felt it would set a precedent and believed that Congress should not "tamper with an existing institution of government by curbing its jurisdiction."

OTHER SECTIONS

He said there was general agreement on the three other sections of the bill "because they are amendatory to existing law."

One section would restore the power of states to pass and enforce their own laws against subversion or sedition. The Supreme Court has held that states have no right to prosecute people for subversion, that the federal government has pre-empted this field.

Another section would toughen up the Smith Act to overcome a Supreme Court decision that persons cannot be prosecuted for advocating the forcible overthrow of the government unless the advocacy is linked to some positive action. The change would make advocacy itself a felony.

The third section would deny any federal court authority to review the pertinency of questions asked in congressional investigations of subversive activity.

Supreme Court Actions

Special to The New York Times.

WASHINGTON, March 31—The Supreme Court took the following actions today:

Upheld, 5 to 4, the power of Congress under its foreign affairs authority to deprive a native-born American of his citizenship if he voted in a foreign political election.

Reversed, 5 to 4, the expatriation of a native-born American because of his wartime desertion from the Army; four in the majority held the expatriation an unconstitutionally cruel punishment, the fifth an act beyond Congress's war power.

Reversed, 7 to 2, the expatriation of a Nisei who was drafted into the Japanese Army during World War II, on the ground that the Government had not met the burden of proving the man's Japanese service voluntary.

Upheld, 5 to 3, with one justice dissenting on other grounds, the power of Federal courts to punish criminal contempt without jury trials.

Held, 5 to 3, with one justice dissenting on other grounds, that a defendant who voluntarily took the stand in a civil case waived his right to object to relevant questions on cross-examination under the Fifth Amendment.

Agreed to decide whether partnership trucking firms were criminally liable for violations of the interstate commerce act.

Agreed to decide whether draftsmen working on interstate projects in a local engineer-architect business were sufficiently "in interstate commerce" to be covered by the Federal minimum wage law.

Declined to review the fraud convictions of T. Lamar Caudle and Matthew J. Connelly, high Truman Administration officials.

Refused to re-examine its 1952 decision that during American military occupation of a country, American civilians might be tried by military commissions there.

Let stand a lower court decision rejecting claims by the Shubert Theatre interests that they overpaid their 1943 excess profits taxes.

HIGH COURT BACKS CONTEMPT RULING IN NON-JURY TRIAL

Decides 5-4 in Green and Winston Cases—Power to Void Citizenship Upheld

By ANTHONY LEWIS

Special to The New York Times.

WASHINGTON, March 31—The Supreme Court rejected today an assault on the long-established rule that Federal courts may punish for criminal contempt without a jury trial.

Five justices were in the majority. Three dissented on the ground that the Constitution required jury trials in all criminal contempt cases. The ninth, Justice William J. Brennan Jr., reserved decision on the constitutional point but dissented on other grounds.

In a group of other opinions the court upheld the Government's power to deprive native-born Americans of their citizenship. The sharply divided court found, however, constitutional limits on the power of expatriation.

Civil Rights Are Cited

In the background of the significant contempt case was last summer's Senate debate over civil rights legislation.

Southern Senators maintained that persons who defied Federal court orders in civil rights cases were constitutionally entitled to trial by jury before being convicted of criminal contempt. The Administration, doubting the will of Southern juries to convict in such circumstances, fought the proposal.

In the end a compromise enabled the bill to pass. It provides that any person sentenced to more than forty-five days in prison or a fine of more than $300 under the Civil Rights Act of 1957 after a trial by a judge might demand a retrial by jury.

Black Writes Dissent

The minority view in today's case would hold this statute unconstitutional as a limit on jury trial. The majority specifically approved the right of Congress, in its discretion, to grant jury trial even though not constitutionally required.

Beyond the civil rights area, criminal contempt is a major weapon in the Federal Government's regulatory powers.

Justice Hugo L. Black, who wrote the chief dissenting opinion, listed in a footnote many statutes that could be enforced by injunctions and criminal contempt citations. Among them, for example, are the Natural Gas Act, the Fair Labor Standards Act, the Securities Exchange Act and the Federal Communications Act.

Justice Black did, however, exclude civil contempt proceedings from [illegible] requirement of a [illegible].

Civil c[illegible]nces are imposed [illegible]rty obey a court o[illegible] generally ended if [illegible]e party changes his mind and obeys. Original contempt sentences are imposed for the sake of punishment, not compliance, and are usually not remitted even upon compliance.

The case decided today involved Gilbert Green and Henry Winston, two of the first eleven Communist leaders convicted of conspiracy to advocate the violent overthrow of the Government.

Jumped Bail

After the Supreme Court affirmed their convictions in 1951 Green and Winston jumped bail along with two others of the eleven, Robert Thompson and Gus Hall. The latter two were found.

Green and Winston turned themselves in five years later. They were then charged with criminal contempt for willful disobedience of a court order—the order to surrender to begin five-year sentences for conspiracy. They were tried by a judge, convicted and sentenced to three additional years.

The constitutional argument advanced for Green and Winston was that any sentence of more than a year made the action punished in "infamous crime" and hence that contempt charges against them should have been based on a grand jury indictment. This view was based on the Fifth Amendment's requirement of grand jury indictments "for a capital or otherwise infamous crime."

Justice John Marshall Harlan, writing for the majority, saw no merit in this argument. He noted that for 150 years in this country, and for hundreds before that in Britain, contempts have been considered as something apart from "crimes," not subject to constitutional limits on criminal trials.

A Concurring Opinion

The attorneys for Green and Winston apparently did not assert also their right to trial by jury. But in view of Justice Black's dissent, Justice Harlan considered and rejected this assertion also.

Joining in the majority were Justices Felix Frankfurter, Harold H. Burton, Tom C. Clark and Charles Evans Whittaker.

Justice Frankfurter also wrote a concurring opinion in which he expounded the jury trial point in strong language. He noted that the Supreme Court had repeatedly, over 150 years, approved summary trial by judges in criminal contempt cases.

"It is never too late," he said, "for this court to correct a misconception in an occasional decision, even on a rare occasion to change a rule of law that may have long persisted but also have long been questioned and only fluctuatingly applied.

"To say that everybody on the court has been wrong for 150 years and that that which has been deemed part of the bone and sinew of the law should now be extirpated is quite another thing."

Sees an Excess of Power

Justice Black's opinion, joined by Chief Justice Earl Warren and Justice William O. Douglas, was a frontal assault on the idea that criminal contempts should be treated differently from other criminal cases.

"Even though this extraordinary authority first slipped into the law was a very limited and insignificant thing," he wrote, "it was relentlessly swollen, at the hands of not unwilling judges, until it has become a drastic and pervasive mode of administering criminal justice usurping our regular action punished in "infamous constitutional methods * * *."

Justice Black said summary trial of criminal contempts make the judge "lawmaker, prosecutor, judge, jury and disciplinarian." No person," he said, "should be granted such autocratic omnipotence." At another point he called the power "arbitrary and dangerous."

Justice Black traced in detail the reasons he thought the asserted historical basis for contempt procedures was false. And in any case, he said, the contempt power has grown so far—to three-year prison sentences—that it should now be re-examined.

Justice Brennan's separate dissent was based on the view that Green and Winston did not have actual notice of the court order that they were found guilty of disregarding and hence could not be held in contempt of it.

The other dissenters agreed with him that there was insufficient evidence to support the contempt judgment. Justice Harlan, in his majority opinion, considered but rejected this assertion.

Ralph S. Spritzer argued the case for the Government and John J. Abt of New York for Green and Winston.

Thompson Free on Bail

A third top Communist, Robert G. Thompson, has been free in $25,000 bail on a four-year contempt sentence, pending outcome of the Green-Winston case. He had served seventeen months of the sentence, based on failure to surrender under an earlier three-year Smith Act penalty.

In his appeal, Thompson had argued the courts had no power to punish him for contempt, or in any event the penalty should not exceed one year. Federal Judge John L. Palmieri granted bail last June 18, noting he had already served more than a year. Mrs. Mary Kaufman, Thompson's attorney, said yesterday that since then, a motion had been filed for further argument on a claim of insufficiency of evidence.

HIGH COURT BACKS U. S. EXPATRIATION

But Sharply Divided Opinions Find Constitutional Limits in Citizenship Cases

Special to The New York Times.

WASHINGTON, March 31—A sharply divided Supreme Court upheld today the power of the Government to deprive native-born Americans of their citizenship.

The court found constitutional limits on this power of expatriation. But the nature of those limits was left uncertain by the diversity of views among the justices, who wrote twelve separate opinions in three related expatriation cases.

The results in the specific cases were as follows:

1. The court upheld, 5 to 4, the expatriation of an American who voted in a foreign political election.
2. The court reversed, 5 to 4, with two distinct constitutional views among the majority, the expatriation of a former soldier who deserted in wartime.
3. The court reversed, 7 to 2, on nonconstitutional grounds, the expatriation of an American of Japanese extraction drafted into the Japanese Army in World War II.

Based on Laws

Congressional statutes make these various acts—voting in a foreign political election, wartime desertion and service in foreign armed forces—ground for automatic expatriation. Some 7,000 persons have been subject to expatriation on ground of wartime desertion.

Especially what divided the court was the question of what constitutional provisions give Congress power to take away citizenship. The justices fell into two broad groups.

A majority of six subscribed to the view that Congress could use the device of expatriation to implement its broad powers in such areas as foreign policy and war—for example, that foreign policy might be advanced by expatriating persons whose acts embarrass this country's foreign relations.

Bars Loss of Citizenship for Desertion

Washington, March 31 (AP)—The Supreme court today struck down, 5 to 4, a law which takes away United States citizenship of military personnel convicted of war time desertions.

In a separate action, the court earlier in the day upheld the power of Congress to expatriate native born Americans for voting in a foreign election.

The key distinction in the two rulings is that the loss of citizenship for desertion amounts to punishment; that for voting abroad holds the possibility of embarrassment to the United States government.

Opinion by Warren

Chief Justice Earl Warren wrote the opinion in the desertion case. He was joined by Justices Hugh Black, William O. Douglas, and Charles E. Whittaker. Justice William J. Brennan concurred in a separate opinion. Justice Felix Frankfurter wrote a dissent, joined by Justices Harold H Burton, Tom C. Clark, and John M. Harlan.

Warren said the use of denationalization as a punishment is barred by the Constitution's 8th amendment ban against cruel and unusual punishment.

The case concerned Albert L. Trop of New York City who lost his citizenship on grounds he deserted the United States army in 1944 while in French Morocco.

Worse than Torture

Warren said that to take away an American's citizenship may not involve physical mistreatment or primitive torture. But, he said, "there is instead the total destruction of the individual's status in organized society."

"It is a form of punishment more primitive than torture," Warren added, "for it destroys for the individual the political existence that was centuries in the development. The punishment strips the citizen of his status in the national and international political community. His very existence is at the sufferance of the country in which he happens to find himself."

For the dissenters Frankfurter said the legislation involved was the result of an exercise by Congress of the legislative power vested in it by the Constitution and of an exercise by the President of his constitutional power in approving a bill and thereby making it a law. Frankfurter added:

"The awesome power of this court to invalidate such legislation, because in practice it is bounded only by our own prudence in discerning the limits of the court's constitutional function, must be exercised with the utmost restraint."

Returns Single Finding

The tribunal had been asked to rule on two points in the first loss of citizenship case. But it stopped with a single finding there.

The court said it was not necessary to rule now on the authority of Congress to provide for expatriation of a citizen who remains outside the United States in time of war to evade service in this country's military forces.

Justice Frankfurter delivered the majority decision, in which he was joined by Justices Burton, Clark, Harlan, and Brennan. Chief Justice Warren wrote a dissenting opinion, joined by Justices Black and Douglas. Douglas wrote a separate dissent in which Black concurred.

Justice Whittaker said he thought the law dealing with voting in a foreign election was too broadly written to be upheld.

The decision applied specifically to Clemente Martinez Perez, who was born in El Paso, Tex., in 1909 of Mexican-born parents. He contested the power of Congress to provide for expatriation on the two points in the nationality act of 1940.

Perez remaine doutside the United States from November, 1944, to July, 1947. He was denied entry in 1947 on the ground he had expatriate himself. The justice depart ment said he admitted evasion of military service in World War II and admitted voting in Mexico.

In 1952 he entered the United States as a laborer and citizen of Mexico, but was ordered deported. Later he asked the United States District court in San Francisco to declare him a citizen of the United States. The reques was denied under terms o the nationality act.

In this view, the only constitutional restriction on Congress's power to expatriate is that it be used reasonably—that the acts condemned have some rational connection to the Congressional goal.

On this side were Justices Felix Frankfurter, John Marshall Harlan, Harold H. Burton, Tom C. Clark, William J. Brennan Jr. and Charles Evans Whittaker.

Three in Minority

The minority view, expressed by Chief Justice Earl Warren and Justices Hugo L. Black, and William O. Douglas, was that the Constitution gives Congress no general power to expatriate citizens.

Under this conception, the only grounds for expatriation would be a man's voluntary renunciation of citizenship or some act that constitutes an abandonment or transfer of allegiance—for example, becoming a citizen of another country.

The strongest oral statement today was by Justice Douglas, who bitterly described the majority view as "perhaps the most important constitutional pronouncement of this century."

The first of the three cases involved Clements Martinez Perez, born in Texas of Mexican ancestry. In 1946 Mr. Perez while in Mexico, voted in a Presidential election there. He was thereafter held to have forfeited his United States citizenship.

Justice Frankfurter, writing for the majority, found that the foreign affairs power supported Congress' right to expatriate Americans because of participation in foreign elections.

He found the device of expatriation a reasonable one here because of the "frictions" and "embarrassments" to foreign policy that might arise "when the citizen of one country chooses to participate in the political or governmental affairs of another."

"The critical connection between this conduct and loss of citizenship," Justice Frankfurter wrote, "is the fact that it is the possession of American citizenship by a person committing the act thta makes the act potentially embarrassing to the American Government and pregnant with the possibility of embroiling this country in disputes with other nations.

"The termination of citizenship terminates the problem."

Warren Dissents

Chief Justice Warren, dissenting, said that "the Government is without power to take away citizenship from a native-born or lawfully naturalized American."

"If the Government determines that certain conduct by United States citizens should be prohibited because of anticipated injurious consequences to the conduct of foreign affairs," the Chief Justice said, "it may within the limits of the Constitution proscribe such activity and assess appropriate punishment."

"The citizen may elect to renounce his citizenship, and under some circumstances he may bef ound to have abandoned his status by voluntarily performing acts that compromise his undivided allegiance to his country." the dissent continued.

"The mere act of voting in a foreign election, however, without regard to the circumstances attending the participation, is not sufficient to show a voluntary abandonment of citizenship."

Justice Whittaker, in a separate opinion, said he agreed with the majority approach but did not think such voting by an American presented any reasonable possibility of endangering our foreign policy. He therefore joined the dissenters.

Justice Douglas joined in the Chief Justice's opinion and added a dissent of his own in which Justice Black joined.

The second case concerned Albert L. Trop, a native of Ohio who was an 18-year-old Army private in North Africa in 1944 He left his post for a day. He was convicted of desertion and sentenced to three years in prison and a dishonorable discharge.

Trop did not know he had automatically lost his United States citizenship until, in New York in 1952, he applied for a passport. He was told then that he could not get one because he was no longer a citizen. He sued to regain his rights.

In the Trop case, the line-up of justices was changed by one switch—Justice Brennan joined the four dissenters in the Perez case to make a majority for Trop against the Government. He wrote his own opinion.

Chief Justice Warren, writing for himself and Justices Black, Douglas and Whittaker, repeated his previous views that only an effective renunciation of citizenship justified expatriation. Under this view, he said, Trop could not constitutionally be expatriated.

But the Chief Justice said that, even accepting the majority view of the Perez case, the loss of Trop's citizenship must be reversed. He based this argument on the assertion that expatriation had been an extra punishment added to the court martial sentence for desertion.

The chief Justice said that expatriation for such a crime was a "cruel and unusual punishment," barred by the Eighth Amendment to the Constitution.

War Power Cited

Justice Frankfurter, writing for himself and Justice Burton, Clark and Harlan, found the power to expatriate a deserting soldier within Congress's war power.

"Congress may well have thought," he said, "that making loss of citizenship a consequence of wartime desertion would affect the ability of the military authorities to control the forces with which they were expected to fight and win a major world conflict."

He rejected the idea that expatriation was "cruel and unusual punishment," noting that desertion could be punished by death and adding:

"Is constitutional dialectic so empty of reason that it can be seriously urged that loss of citizenship is a fate worse than death?"

The third case involved Mitsugi, a Nisei who left his California home in 1939 for a trip to Japan. Under law, serving in the Army of a country of which one is a dual national is ground for expatriation and Japanese law made Mr. Nishikawa a dual national.

While there he was inducted into the Army. He brought suit after the war, contending that he had joined the Japanese forces only under duress.

The Chief Justice, joined by Justices Black, Douglas, Whittaker and Brennan, reversed the expatriation on an non-constitutional ground. This was that the Government must bear the burden of proving that an act leading to expatriation was not done under duress.

Separate Opinion

Justice Burton, concurred separately in an opinion confining the Government's burden of proof somewhat more narrowly to this particular case.

Dissenting were Justices Harlan and Clark. An opinion by the former said it was too much to ask of the Government to carry the burden of proof as to events seventeen years past.

Solicitor General J. Lee Rankin argued the Perez and Trop cases for the Government, and his assistant, Oscar H. Davis, the Nishikawa case.

Mr. Perez was represented by Charles A. Horsky of Washington, Mr. Trop by Osmond K. Fraenkel of New York and Mr. Nishikawa by A. L. Wirin of Los Angeles.

Supreme Court Says No

The Supreme Court has effectively punctured the suggestions for participation of its judges in the work of a commission to determine when the President is unable to discharge the duties and powers of his office. Many of the bills and proposed constitutional amendments addressed to this subject have sought to make use of the Supreme Court because of the obvious necessity for judicial detachment in any body with such an assignment. But the judges see only pitfalls in these proposals, as any careful student of our governmental system of divided powers must.

Chief Justice Warren has summarized the Court's objections in the following paragraph of a letter to Representative Keating:

> It has been the belief of all of us that because of the separation of powers in our Government, the nature of the judicial process, the possibility of a controversy of this character coming to the Court, and the danger of disqualification which might result in lack of a quorum, it would be inadvisable for any member of the Court to serve on such a commission.

The Chief Justice goes on to say that the reasons which led the justices to this conclusion are "insurmountable." Take, for example, the question of disqualification. All the justices appointed by a President still in office would probably feel it necessary to disqualify themselves from sitting in judgment on his fitness to continue in office. This might easily be a majority of the Court (President Eisenhower has named four of the present members). And if the Court could still muster a quorum with the Eisenhower appointees out, any displacement of the President in a close case by the remaining four Democrats and one Republican would be certain to provoke a political storm. It would be incredible folly to drag our highest judicial tribunal into such quicksand.

Most of the inability commissions advocated by different groups would be of dubious utility, in our opinion, and might be a menace to stability in the Presidency. It is a relief to know that the Supreme Court will not be a party to any questionable experiment of this sort.

TOP COURT CHIDED BY LEARNED HAND

He Says It Still Functions Occasionally as a 'Third Legislative Chamber'

By ANTHONY LEWIS
Special to The New York Times.

CAMBRIDGE, Mass., Feb. 5—Judge Learned Hand criticized the Supreme Court tonight for occasionally exercising what he regarded as too broad a supervision over legislative decisions.

In his second Oliver Wendell Holmes lecture at the Harvard Law School, Judge Hand set out two opposing concepts on the scope of judicial review.

The first would have a court strike down a statute because the legislature's balancing of interests does "not commend itself to the court's notions of justice." This broad scope, Judge Hand said, makes the court in effect a "third legislative chamber."

The second concept sees the court's job only as "keeping Congress and the states within their accredited authority." Under this view almost any means chosen by a legislature should pass muster on judicial review, so long as the end is within the leigslative power.

Judge Hand, an articulate believer in the second view, traced the rise and fall of the two schools on the Supreme Court over the last century. His conclusion was that the first, or broader, view of the judicial role had survived reports of its death.

The lecture discussed the enormous difficulties faced by a legislature "in making choices for many individuals." The final choice of means must be an intricate compromise, he said.

Given these legislative difficulties, Judge Hand said, he did not see how a court could invalidate a statute's choice of means "without putting itself in the same position and declaring whether the legislature's substitute is what the court would have framed to meet the occasion."

Under such a view, Judge Hand said, "the limits of a legislature's power are determined by the rightness of the adjustments it prescribes." For the courts thus to pass on the merits of legislation, he said, is "a patent usurpation" of power.

'Burial' Held Premature

This concept of judicial power prevailed on the Supreme Court for approximately fifty years before 1937, when economic and social legislation was frequently held unconstitutional. Judge Hand said the court was thought to have given this view its "burial salute" after 1937.

But even in the economic area, Judge Hand said, the Supreme Court has not really given up the practice.

Judge Hand noted, and rejected, the idea that courts should have a broader power of review in areas of personal liberty than on economic matters. But he concluded that the predominant view on the Supreme Court today was the opposite.

He cited the Supreme Court's 1954 decision outlawing school segregation as an apparent example of the approach to judicial review that he opposed, in which the court overruled legislative judgments by making "its own reappraisal of the relative values at stake."

On the other hand, he said, the segregation opinion may be taken as a flat ruling that the Fourteenth Amendment puts racial equality beyond legislative appraisal. He seemed to imply that he would prefer the setting of such a boundary as a less "legislative" ruling.

Summing up, Judge Hand declared:

"I cannot frame any definition that will explain when the court will assume the role of a third legislative chamber and when it will limit its authority to keeping Congress and the states within their accredited authority."

In The Nation

Effort to Limit 'Imported' Judicial Power

By ARTHUR KROCK

WASHINGTON, Feb. 5—When Senator Hennings of Missouri moved this week to defer action by the Judiciary Committee on the bill to eliminate five legal areas from those in which the Supreme Court has the last word, he could not have known that almost simultaneously one of the most respected of judicial voices would be raised in his support. But it happened that Judge Learned Hand did this last night in the first of three Oliver Wendell Holmes lectures at the Harvard Law School.

After only one day of hearings, a Judiciary subcommittee had favorably reported to the full Senator Jenner's committee S. 2646 which would forbid the high court to pass on the validity of any Congressional committee activity, any executive security measures, any state or educational body's anti-subversive regulation and any state regulation of admissions to the bar. In addition to making (and winning) his point that the gravity of the proposal requires much more study before action of any kind should even be considered by the parent committee group, Hennings submitted to his colleagues the reasons for his view that its ultimate action should be unfavorable. Among these reasons, he said, was that, if the lower courts are given final jurisdiction in the five areas, "the Constitution would mean one thing in one part of the country and something else in another."

This was the point strongly made by Judge Hand in justifying as "necessary" the final power of the Supreme Court to exercise what lawyers prefer to call "judicial review" but what, with few exceptions, is actually judicial supremacy over the other two Federal departments. With candor Judge Hand conceded that this power was "imported" into the Constitution and is neither granted nor implied in the text.

To Avoid Collapse

"When the Constitution emerged from the Convention in September, 1787," he told his Harvard Law School audience, "the structure of the proposed government, if one looked to the text, gave no ground for inferring that the decisions of the Supreme Court * * * were to be authoritative upon the Executive and the Legislature. Each of the three departments' was an agency of a sovereign, the 'People of the United States.' Each was responsible to that sovereign, but not to one another; indeed, their 'separation' was still regarded as a condition of free government, whatever we may think of that notion now."

Had judicial supremacy been proposed to the Convention, he said, there is no telling what the vote would have been. And the "arguments deducing the [Supreme] Court's authority from the structure of the new government, or from the implications of any government, were not valid in spite of the deservedly revered names of their authors" (John Marshall in particular). But, he continued:

> * * * it was probable, if indeed it was not certain, that without some arbiter whose decision should be final the whole system would have collapsed, for it was extremely unlikely that the Executive or the Legislature, having once decided, would yield to the contrary holding of another "department," even of the courts. * * * By the independence of their tenure [the courts] were least likely to be influenced by diverting pressure. It was not a lawless act to import into the Constitution such a grant of power.

That contention invites the reply that the "lawful" method of importing the power was to acquire it by the consent of the people as an amendment to the Constitution. But in a period when denunciation is the lot of those who have attacked certain Supreme Court decisions as invasions of the explicit constitutional provinces assigned to Congress and the Executive, it is at any rate refreshing to have the concession of an eminent jurist that judicial supremacy was "engrafted upon the text" of the Charter and has no direct warrant there.

Some of these decisions—and not only the one which declared that enforced racial segregation in the public school system, which the same Court long upheld as valid, violates the Fourteenth Amendment—provided the impetus for S. 2646. As Senator Hennings pointed out, this measure would not per se affect these decisions, but it would "create great temptations for the lower courts" to disregard them by denying to the Supreme Court future jurisdiction in the legal areas the decisions occupy.

The right of Congress to alter or reduce the high court's jurisdiction

is well established in law and legislative action, though with some of the findings of the current Supreme Court in mind no one can be sure this also would not be subject to adverse "review." Hennings gave the committee the history of legislative efforts in this respect, but effectively noted that only once has Congress approved such a measure (in 1867, amid the emotions of Reconstruction and over President Johnson's veto). This took from the Supreme Court its jurisdiction to pass on denials of writs of habeas corpus by lower tribunals.

S. 2646 may join the rejects, yet just possibly some of it may survive.

Does The South Intend To Destroy Respect, Dignity For Federal Courts?

By Arthur D. Kitty

The highest tribunal in the nation ruled almost four years ago that racial segregation in our schools were Un-constitutional, but used its equity power rather than making their ruling based on the written law. The Court used a vague and idenfinite term, "with all deliberate speed." This opened the way for stalling, delaying, and open rebellion. That kind of speed is "all deliberate speed."

The American people have never taken such a course before during all of our long judicial history, when the court said a law was unconstitutional, it was ignored almost the following day. We recall when the Supreme Court struck down RDR's NRA, it was an emergency act designed to give more employment to the nation's jobless. The Court struck it down on a split decision, and the following day long hours were extended and a re-adjustment of wages.

Since May 17, 1954 the federal courts, have hued to the line all the way from the lower federal courts to the highest courts of appeal in sustaining the May 17th decision in eliminating racial segregation. In recent weeks the federal courts have pulled the rollers from under the massive Resistance program in Virginia, it has knocked out the Pupil Assignment Plan in Tennessee, the federal courts have detered the South in its onslaught against the NAACP and its lawyers. A Baltimore Court virtually killed all miscegnation statutes last summer, just one more test and they will be gone.

Every member of the Bar Association throughout the nation understands the meanin of that momentous decision, every Judge understands it, and most of the American people know what it means.

Now, just how much longer will the federal judiciary tolerate the reappearance of Southerners persisting in raising the same legal questions about the same issue, do they intend to make mockery out of our federal judiciary, thereby destroying the dignity of the court and the respect that the people hold for the highest court in the land? The South understands now that a State right cannot prevail over a Federal right of a citizen.

Some of the Southern Governors said in 1954 that they saw a Century of litigation, is this what they meant to do, waste the tax payers money in useless suits, you remember the one losing the suit has to do the paying for the appeal etc;

Is there no way the federal courts can restrain a state from further interfering with the orderly progress of a people and legitimate organizations It is now time for the federal courts to make some determination as to just how far they are going with those who continously seek to evade the federal laws of the nation.

Bar Opposes Curbs On Supreme Court

Jackson Attorney's Motion To Censure Is Voted Down

ATLANTA (UP)—A bill pending in the U. S. Senate to reduce the authority of the Supreme Court would hamper balance of power in the federal government, the American Bar Association said Tuesday.

The ABA House of Delegates, winding up a two-year midyear meeting here, balked at criticizing recent court decisions as efforts to interfere with states rights.

The ABA House of Delegates, winding up a two-day midyear meeting here, balked at criticizing recent court decisions as efforts to interfere with states rights.

The House, policy-forming body of the ABA, adopted a resolution opposing passage of the bill introduced last July by Sen. William E. Jenner (D-Ind) to restrict the appellate jurisdiction of the courts.

The Jenner bill would prohibit the court from hearing appeals on cases concerning contempt of congressional committees, federal, state or institutional security programs, and state regulations on admissions to the bar.

John C. Satterfield, Jackson, Miss., introduced an amendment which would have criticized some Supreme Court decision since 1949 as "contrary to recognized constitutional precedents." These decisions, which were not specified, are an invasion by the federal government of "powers reserved by the states."

Strong opposition developed to the amendment, however, and Satterfield proposed a new version which finally won the delegates' approval.

It put the ABA on record as opposing the Jenner bill, but reserved the right of the bar group to "criticize decisions of any court in any case and without approving or disapproving" any decisions.

Supreme Court Actions

Special to The New York Times.

WASHINGTON, March 17—The Supreme Court took th following actions today:

Affirmed, 4 to 4, a lower court ruling that Jack Benny violated the copyright laws when he parodied the movie "Gaslight" on television.

Held, 9 to 0, that truckers who pay fines to the states for overloading may not deduct the fines on Federal tax returns as "ordinary and necessary" business expenses.

Held, 9 to 0, that gamblers may deduct as "ordinary and necessary" expenes the cost of leasing space and hiring employes, even though those acts violate state law.

Agreed to review a lower court decision that the Government might not bar use of a dye on oranges unless it could prove that specific amounts of the dye would be harmful to human.

Agreed to consider whether a soldier who has been dishonorably discharged and then imprisoned after a court-martial can be constitutionally tried by court-martial for the murder of a fellow prisoner.

Agreed to review an anti-trust judgment against the International Boxing Club and associated fight promoters.

Agreed to review the Georgia Supreme Court's ruling that it was unconstitutional for Georgia to tax a Delaware corporation on that part of its net income atttributable to Georgia activities.

Refused to pass on the constitutionality of a Tallahassee, Fla., ordinance instructing bus drivers to seat passengers so as to equalize their weight and promote safety—attacked as a subterfuge for racial segregation.

Refused to review a decision that the Federal Power Commission might reduce contract rates for electricity when it found that the price would give the producer more than a fair return.

Refused, 5 to 4, to issue a special order restraining a Federal District Court from returning impounded railroad receipts to commuters pending an Interstate Commerce Commission hearing on the legality of the rates.

12 Racial Cases in High Court

Louisiana, N.O. Matters on Docket

By PAUL M. YOST

WASHINGTON (AP)—The U.S. Supreme Court opens its fall term Monday with 12 racial case appeals already on file and more expected as some Southern states try to maintain segregated schools.

Lawyers foresee considerable legal maneuvering ahead despite the tribunal's emphatic declaration in its recent special session against evasive schemes to avoid racial mixing in the classrooms.

Segregation cases now in the lower federal courts, plus new legal moves expected this fall and winter, are almost certain to reach the high tribunal on appeal in the 1958-59 term that runs until next June.

Gov. Orval E. Faubus of Arkansas, a key figure in the special session arguments, had filed a new appeal that is likely to get early attention from the nine justices in the new term.

HITS TROOP USE

Faubus asks the court to declare invalid an injunction issued to block use of Arkansas National Guardsmen to preserve segregation at Central High School in Little Rock in September 1957.

U.S. Dist. Judge Ronald E. Davies issued the injunction and Faubus ordered the Guardsmen withdrawn. When rioting followed, President Eisenhower sent in federal troops and federalized the Guard to protect Negro students at the school.

In his appeal, Faubus contends Davies acted without legal authority. Further, the governor says, the Justice Department had no right to ask Davies to issue the injunction.

Other racial appeals filed during the court's summer recess seek reversal of these lower court rulings:

Alabama's school placement law is valid since it provides for admission of qualified pupils on the basis of individual merit and without regard to race.

THREE VIRGINIA CASES

Three Virginia laws aimed at the National Assn. for the Advancement of Colored People violate the U.S. Constitution's guarantees of equal protection and due process of laws.

White tenants of a New York apartment building may not intervene in a state court proceeding in which a landlord was directed to rent to Negroes.

North Carolina's literacy test for voters does not discriminate against Negroes because it applies to all persons who wish to register.

A Memphis Negro could not sue to bar enforcement of a Tennessee bus segregation law because he had failed to show any legal injury to himself.

A Louisiana requirement of certificates showing eligibility and good moral character to win admission to state institutions of higher learning is invalid. Negroes contended the requirement violated their constitutional rights.

The Delaware State Board of Education must prepare a plan for desegregation in all school districts of the state which have not admitted Negroes. The board contended authority to desegregate rests in local school boards.

The New Orleans City Park Improvement Assn., a municipal corporation, must allow Negroes to use a golf course and other park facilities it manages.

A refusal by Virginia state courts to void subpoenas issued by a state legislative committee to get names of NAACP members and other information. Virginia says the NAACP's appeal in this case should be dismissed because the committee no longer exists.

GIRARD CASE AGAIN

Pennsylvania Supreme Court approval of the naming of private trustees for Girard College in Philadelphia, a school established for white male orphans under the 1830 will of Stephen Girard. Negroes sought admission when public trustees administered the school. The U.S. Supreme Court last June refused to review the state court approval. Counsel for the Negroes say the high court should now reverse itself and rule on their efforts to win admission.

In all of these cases the high court has the choice of disposing of appeals by merely denying hearings to applicants. Or it may grant hearings and later in the fall set dates for the appearance of attorneys for the litigants.

In a twelfth case with racial connotations, the Supreme Court has already granted a hearing. Last June 9 the court agreed to rule on an appeal by David H. Scull, a Quaker of Annandale, Va. Scull was convicted of contempt, fined $50 and given a 10-day jail sentence for refusing to answer questions asked by a Virginia racial investigation committee.

700 CASES ON DOCKET

The committee was named in 1956 to investigate activities of the NAACP and other organizations involved in racial litigation. Scull refused to say if he was associated with the NAACP or other organizations.

Outside the area of racial litigation, scores of legal questions were raised in appeals asking court hearings, and in cases in which the justices have already agreed to hear arguments in the new term.

A heavy docket of about 700 cases offered lawyers' views on just about every sort of court controversy imaginable. A major case up for decision in the new term involves ownership of submerged lands along the Gulf of Mexico. Unestimated millions in oil developments are involved.

Minor cases run even to an appeal involving convictions for bad checks; one was for $53.25 and the other for $100.

Monday's court session will be devoted to brief opening formalities. The tribunal's work gets under way in full the following Monday.

Ike Names Stewart To Supreme Court

By ROULHAC HAMILTON
Washington Correspondent

WASHINGTON — The decision of President Eisenhower to name youthful Judge Potter Stewart of Cincinnati to the United States Supreme Court will put on the nation's highest bench another avowed integrationist.

Eisenhower announced Tuesday afternoon that he is giving the 43-year-old Stewart—whom he had named to the Sixth Circuit Court of Appeals in 1954 a recess appointment to succeed Associate Justice Harold H. Burton in the high court.

Burton's retirement from the court was announced late Monday. But the White House said the President actually had accepted it on Sept. 23, indicating that the announcement had been withheld until a successor had been chosen.

Meet Stewart
—See Page 2-A.

Stewart, who looks even younger than his 43 years, is a son of an associate justice of the Ohio State Supreme Court, and is Eisenhower's fifth appointee to the nine-man Supreme Court. His selection will be subject to later confirmation by the Senate, but he will take his seat on the bench when Justice Burton retires next Monday.

Stewart's pro-integration view was indicated in 1955, when he wrote a Sixth Circuit Court decision denying the right of Hillsboro, Ohio to maintain racially segregated schools.

The sixth Circuit Court also handled integration cases involving Clinton, Tenn., but Stewart did not sit on the panel of judges in these cases. The Ohio decision was handed down in 1955, a year or so after the high court's precedent-shattering decision in May, 1954, holding that segregated schools violated the Constitution.

JUDGE POTTER STEWART
Named To High Court

There was speculation that President Eisenhower had acted with unusual — perhaps unprecedented—speed in filling the vacancy created by the Burton retirement because he wanted the Supreme Court at its full strength during its new term, in which there will be a series of important cases involving the segregation issue.

INTRODUCED TO PRESS

White House Press Secretary James Hagerty who introduced Stewart to reporters at the conclusion of a visit to Eisenhower Tuesday morning, was asked about the speedy appointment. He said merely that "We didn't want a vacancy on the bench any longer than was necessary." He did not elaborate.

Sen. Olin D. Johnston, who is a member of the Judiciary Committee, which will pass on the Stewart nomination next year, was not in Washington when the appointment was announced, and no comment from him was available.

Sen. Strom Thurmond says he doesn't know Stewart "at all." But he said he intends to give his qualifications for the high court "the most careful scrutiny," and he called on the Senate and its Judiciary Committee to follow suit. He said he hopes the President already had done so.

Thurmond says it was important that the Senate look carefully into Stewart's background before he goes on the court permanently, because "there's not much that can be done about a man once he is on the court, if he doesn't stand up for The Constitution as written."

Thurmond added that he doesn't know anything about Stewart's views on integration or otherwise but said that "If he is for integration, I am against him."

Stewart, a handsome man whose black hair is graying slightly at the temples, told Associated Press newsmen his selection by the President took him by surprise. It added:

In response to questions, Stewart said he was telephoned in Cincinnati yesterday afternoon by Atty. Gen. Rogers who asked if he could come immediately to Washington.

Stewart replied he could if it was important, and Rogers told him it was.

NO CLUES

The judge said Rogers gave him no clue to the reason for the trip. At the time Stewart left Cincinnati early Monday evening the Burton retirement had not been announced.

Selection of Stewart puts an Eisenhower-appointed majority on the Supreme Court for the first time. The President now has appointed five men to the tribunal, including Chief Justice Earl Warren.

With Stewart there are now five Democrats and four Republicans on the court.

Stewart and Rogers conferred with Eisenhower at the White House early Tuesday.

In advance of that session, Stewart had surmised he was about to be offered a place on the high court, he reported.

Stewart met with newsmen in the office of the White House press secretary, James C. Hagerty.

Responding to questions, Stewart said that on the 6th Circuit bench he has participated in only one school integration case, dealing with a situation in Ohio. He said that decision upheld integration.

U.S. Judge of Ohio Named to Vacancy On Supreme Court

43-Year-Old Stewart Gets Burton Seat

Selection of Republican Makes Appointees of Ike Majority

WASHINGTON, Oct. 7 (UPI) — Judge Potter Stewart, a 43-year-old Midwesterner now serving on the 6th U.S. Circuit Court of Appeals, was named by President Eisenhower today to succeed retiring Justice Harold H. Burton as a member of the Supreme Court.

The youthful Republican, a prominent Cincinnati, Ohio, attorney before he was named to the circuit bench in April 1954, will receive a recess appointment as soon as Burton's retirement becomes effective next Monday.

His nomination then must be submitted to the Senate for approval when the new Congress convenes in January.

Stewart is the fifth Supreme Court justice and the fourth Republican named by Eisenhower since he took over the White House in January 1953. It also means that Eisenhower appointees for the first time are a majority of the court.

Sees President

Stewart called at the White House before his appointment was announced to see the President and meet members of the chief executive's staff.

Stewart will be the youngest member on the present court, although Justice William O. Douglas was 40 when he was named to the tribunal on March 20, 1939. Justice William J. Brennan, at 52, will be the next youngest man on the present court.

In talking with reporters, Stewart showed his strong GOP background with expressions of unabashed admiration for the President and strong praise for the late Sen. Robert A. Taft of Ohio, who lost the GOP presidential nomination to Eisenhower in 1952.

The judge, a handsome, trim man, said he sees nothing inconsistent in his admiration for both Taft and Eisenhower. Stewart comes from an old Ohio family and his father, Judge James Garfield Stewart, is a member of the Ohio State Supreme Court.

As a member of the 6th Circuit Court of Appeals, Stewart participated in at least one school integration case. It involved an Ohio school and Stewart's decision supported integration.

The case involved a group of Negroes who wanted to attend a previously all-white school in southern Ohio. His opinion closely followed the Supreme Court's 1954 school integration decision.

Not On Clinton Cases

The 6th Circuit Court handles cases from Michigan, Ohio, Kentucky and Tennessee. Integration cases involving Clinton, Tenn. fall under its jurisdiction, but Stewart did not sit on the panel of judges which heard those cases.

Stewart's appointment was hailed as "excellent" by Bernard G. Segal, chairman of the American Bar Assn.'s Committee on the Federal Judiciary. The President had asked the association for its opinion before naming Stewart.

One Southern senator, Sen. Spessard L. Holland (D-Fla) made it plain that he and other Southerners concerned over the integration question will take a long look at Stewart's record when the Senate considers the appointment.

Holland said he does not know Stewart. But he added that he is "happy" the President picked a judge from a lower court, "provided they have chosen someone who has performed well there."

Before Stewart's appointment was announced, Sen. John Stennis (D-Miss) urged the President to "strengthen the composition of the membership of the Supreme Court by appointing a judicially experienced lawyer to the vacant post."

Neither Holland nor Stennis is a member of the Senate Judiciary Committee which will first consider the appointment.

After leaving the White House, Stewart went to the Supreme Court to meet Chief Justice Earl Warren. Stewart submitted briefs

to the court as a private attorney, but never argued a case before the justices.

The new justice, who was introduced to newsmen by White House press secretary James C. Hagerty, was chosen with unusual speed. The President announced only yesterday that Burton is stepping down on the advice of his doctors after having reached the permissive retirement age of 70.

The new appointee said he was in his Cincinnati office yesterday when his secretary told him that Attorney General William P. Rogers was calling from Washington.

Not Told Reason

"He asked me if I could be in Washington last night and said it was important," Stewart related.

"When I left Cincinnati, I had no idea in the world about the purpose of the trip and I certainly knew of no vacancy on the Supreme Court," Stewart said.

He said Burton's retirement was announced while he was aboard the plane en route to Washington.

Asked about the short interval between Burton's retirement announcement and Stewart's appointment, Hagerty said, "We didn't want a vacancy on the bench any longer than necessary."

While the press secretary did not elaborate on this point, there was speculation the President wants the bench at full strength during the next few months, when it will be confronted with a series of important cases involving the segregation issue.

Thousands Had Hopes For Seat on High Court

By ARTHUR EDSON

WASHINGTON, Oct. 7 (AP)—When Justice Harold Hitz Burton announced that he was retiring from the Supreme Court next Monday, at least 650 judicial ears must have pricked up hopefully at the news.

These ears belong to 334 federal judges who undoubtedly said to themselves:

"Let's fasten the old seat belt, just in case. This could be it."

And countless lawyers, great and small, must have had their faint hopes dashed when Federal Judge Potter Stewart of the 6th Circuit Court of Appeals was named to the high court late today.

For even though the court has been under fierce attack, here was a chance to sit in while history was being made—and the pay is $35,000 a year, for life.

Well, it wasn't always thus.

George Washington had a terrible time getting leading men to serve on the court. John Jay probably is a good example. He was the first chief justice, but he quit, saying he didn't think the court ever would amount to much. The judicial structure had fatal flaws, Jay said, running for the nearest exit.

Time and John Marshall, the great chief justice who served for 34 years, changed all that. When Marshall had finished his judicial business, the court was firmly established as a top dog in our federal system.

Maybe you've wondered how President Eisenhower goes about naming a judge. The man who helps him with the picking, Atty. Gen. William Rogers, has an explanation of how the ticklish job is done.

Rogers made the explanation to a regional meeting of the American Bar Assn. in Denver while he was deputy attorney general:

1. The man must be an outstanding lawyer and a leader in his community.

2. He should be moderately young and fairly frisky.

3. If the vacancy is in one of the higher courts, judges on lower courts merit special consideration.

4. The recommendations of the bar association carry considerable weight.

Rogers didn't add a fifth reason, possibly because he figured the lawyers had it all figured out for themselves. It isn't essential, but it generally doesn't hurt if the man is a Republican.

Incidentally, this turning to the attorney general for help goes back as far as Washington. He asked Edmund Randolph to list candidates, and the criticisms Randolph made probably could be extended to any list made today:

"No just pretensions to eminence."

"Of indifferent elocution and his knowledge of law scarcely placed him on the roll of fame."

"A good country court lawyer."

"A valuable man of universal esteem and a much approved practitioner."

Eisenhower has to be listed as an experienced judge-picker.

There are 334 federal judges and Eisenhower has chosen 199 of them, including five Supreme Court justices.

But Eisenhower is nowhere near the record for naming Supreme Court justices. Although the first court had but six members, Washington had so much trouble getting them to hang around that during his eight years he wound up naming 10—all, we hope, of universal esteem and much approved practitioners.

Golf Integration Plea Is Denied

Negroes to File Suit Next Week For Decision by U.S. Court

By J. C. GREEN
Times-Union Staff Writer

Federal court action to force integration of the races on Jacksonville's two municipal golf courses was threatened yesterday when City Commission denied a plea by four Negroes to play the links any day in the week.

Ernest D. Jackson Sr., attorney representing the petitioners, said he will file suit in U.S. District Court here Monday or Tuesday in a move to open the city owned courses to Negroes on the same basis as whites.

Negroes presently are allowed to play the Brentwood course on Monday and at Hyde Park on Friday. The courses are reserved for white players on all other days.

Jackson's promise of the federal court action came after the five commissioners unanimously voted to turn down the petition.

City May Sell

There was an immediate hint that the city will move to sell or lease the courses to private interests if a federal court orders unlimited play by Negroes.

Mayor Haydon Burns said:

"If at a later date there comes a vote of this commission to sell or lease the golf courses in order to prevent disturbances and problems that would come about as a result of enforced integration, I'll certainly vote to sell or lease."

The petition which the commission rejected was signed by four Negro golfers who unsuccessfully attempted to purchase greens tickets at the Brentwood and Hyde Park courses on Tuesday morning. They are Frank Hampton, a city policeman; Edward Joseph Norman; Devoye Austin Brown and Charles M. Brown.

The petition asked the commissioners to issue an order immediately instructing golf course employes to "forthwith cease and desist refusing to sell necessary tickets to any golfer solely on the basis of race."

Comply with Rulings

Jackson, appearing at yesterday's commission meeting, declared that an order opening the municipal courses to unlimited play by Negroes would comply with rulings by the U.S. Supreme Court and the U.S. Fifth Circuit Court of Appeals, at New Orleans, which has jurisdiction over federal district courts in Florida.

City Commission in 1954 opened the municipal courses to Negroes on the specified days. Jackson said a continuation of the policy would deny the petitioners "their constitutional rights to play on the golf courses unmolested . . . and to have the same privileges afforded other persons."

Jackson told the commissioners that the races would "perhaps reach a better understanding among themselves" if integrated play is allowed. He said it would be a "great step" toward promoting good race relations in Duval County.

The motion to deny the petition came from Commissioner Dallas L. Thomas, who is in charge of city golf courses. He said he opposed the petition for "sound business reasons" and in the interests and welfare "of the great majority of the citizens of Jacksonville."

"I firmly believe that the great majority of our very few Negro golfing citizens are completely satisfied with our present setup," Thomas said, in a prepared statement. "I also believe that there are a small minority of Negro golfers who, swayed by Northern influences, political factions and by NAACP interests, have become determined to create unrest and racial dissension."

Denies Link to NAACP

Jackson later said he is not representing the National Assn. for the Advancement of Colored People, referred to by Thomas, in connection with the golf course petition. "I am solely representing the four petitioners," the Negro attorney said.

Thomas also included this warning in his statement:

"Were the City Commission to approve mixed play on our municipal courses, the revenue from them to the city would fall off to a degree that would, in the interest of the majority of the taxpayers, make it mandatory to sell the courses to private interests."

He said he also sincerely believes that the "troubling and very deep problem of integration is a matter beyond the jurisdiction of myself or of my fellow commissioners. It is a matter for the state courts, when the matter of states' rights is settled."

Thomas said he feels it is "beyond my prerogative as an elected city official."

He said the total weekly revenue for the two courses averages $1,218, with Negro citizens contributing "an average of only $50, an extremely small percentage."

At Brentwood, Thomas said, the average weekly sale of dollar greens fees is $649, of which $32 represents tickets sold to Negroes on Monday. He said at Hyde Park, Negroes buy an average of $18 worth of greens fees on Friday out of a weekly total of $569.

"In summation, one-seventh of the time at both courses is given to Negro play, but only one-twenty-fourth of our revenue is derived from this Negro play," he said.

Adult Recreation

Citing figures to show that the cost of operating the courses exceeds the revenue, Thomas said the yearly average cost to the city's general fund is $55,500. He said the courses are operated "in the interests of adult recreation, and for both city and county residents."

Noting that he was marking the beginning of his 10th year in office yesterday, Mayor Burns said during the past nine years he has observed tremendous progress here by Negroes "not in the area of integration but in the areas of better living standards, educational and recreational facilities, and in every area that is important to any human."

In every instance, Burns said, the community has endorsed the progress made by colored citizens. He said relations between majority and minority groups, both as to race and creed, have been the finest.

"But I do not feel these petitioners reflect or represent even the attitude of their race," Burns said. "Playing on the golf courses is certainly of minute importance to the some 75,000 of our colored citizens.

Burns said that "progress in any area that is forced or compelled either by an order of a court or at the point of bayonets, as at Little Rock, is not progress."

Several white persons at the meeting asked the commission to deny the petition. These included Sam Milner, former chairman of the City Golf Advisory Committee; Mrs. Jack Elmore, president of the Jacksonville Businesswomen's Golf Assn.; Mrs. Thomas Birdsong, vice president of the Brentwood Ladies Golf Assn.; Mrs. A. E. Cabeza, president of the Hyde Park Women's Golf Assn.; and Ed Fletcher, vice president of the Hyde Park Men's Golf Assn.

12d 1958

SUPREME COURT

NAACP - A L A B AM A

Alabama vs. NAACP case postponed

The Supreme Court this week threw out the state of Alabama's contempt case against the NAACP for failure to hand over its membership lists. Associate Justice John Marshall Harlan, who wrote the opinion, said the demand violated the right of "privacy in group association." The ruling affects six other states which have passed such laws to stop NAACP operation.

MONTGOMERY, Ala.—Alabama's suit against the NAACP has been postponed, pending a ruling from the Alabama Supreme Court on whether Circuit Court Judge Walter B. Jones should be disqualified from hearing the case.

Postponement followed argument before the Supreme Court on a petition for a writ of mandamus filed by Robert L. Carter, NAACP general counsel, and NAACP attorneys Arthur D. Shores of Birmingham, and Fred Gray, of Montgomery. The NAACP seeks to have Judge Jones disqualify himself on the ground of prejudice. Asserting that he had "neither bias for the state nor prejudice against the respondent," Judge Jones refused to withdraw and ordered the trial to proceed.

Questioned by Carter, the judge admitted that during his campaign for re-election in the Spring, he had attacked the NAACP, stating that he would deliver it a blow from which it would "never recover." Nevertheless, he maintained that he was "legally indifferent". Judge Jones held the Association in contempt in June, 1956, and levied a $100,000 fine against it for refusal to turn over to the state the names and addresses of Alabama NAACP members and contributors.

The NAACP was called into court on complaint of Attorney General John Patterson that it violated the 1956 injunction by sponsoring another organization as an undercover agent of the NAACP.

A subpoena was issued for Roy Wilkins, NAACP executive secretary, to produce in court records of the Association in Alabama since June 1, 1957. Wilkins was in the courtroom but was not called to the stand. However, Carter took the stand to testify that there were no such records.

Other witnesses called included W. C. Patton, president of the Alabama State Coordinating Association for Registration and Voting, the alleged "NAACP front," and Grover C. Hall, Jr., editor-in-chief of the Montgomery Advertiser.

SUPREME COURT DECISION
NAACP - ALABAMA

Supreme Court Actions

Special to The New York Times.

WASHINGTON, June 30—The Supreme Court took the following actions today:

Refused to grant emergency review of the order suspending school integration in Little Rock, Ark., but said it was sure the Court of Appeals for the Eighth Circuit would consider it before the next school terms begins in September. (No. 1095.)

Unanimously set aside as an unconstitutional abridgement of freedom of association a contempt fine of $100,000 imposed by Alabama on the National Association for the Advancement of Colored People for refusing to disclose its membership lists. (No. 91.)

[redacted] churches (Nos. 382, 383, [redacted] advocating violent overthrow of the Government could not constitutionally be enforced by putting the burden on the taxpayers to show they do not so advocate.

Held, 6 to 3, that a witness had no Federal constitutional right to refuse to testify before a state grand jury because answers might lead to a Federal prosecution. (No. 189.)

Held, 5 to 4, that a New York subway conductor (No. 180) and a Philadelphia teacher (No. 62) had constitutional rights violated when they were dismissed after refusing to answer state officials' questions about Communist associations.

Held, 5 to 4, that a California criminal suspect in state custody had not constitutional rights to see a lawyer before being questioned by the police (No. 178), and held the same for a New Jersey suspect (No. 177) by a vote of 5 to 3.

Ruled unanimously that the President might not dismiss a member of an independent Federal agency except for causes specified by Congress. (No. 52.)

Held, 6 to 3, that a Federal arrest warrant must contain a more explicit complaint than a definition of the crime, and set aside a conviction based on evidence seized in connection with an arrest under an illegal warrant. (No. 549.)

Held, 7 to 2, that probable cause to believe a house contained an illegal still did not justify Federal agents in seizing the still without a valid warrant. (No. 331.)

By vote of 7 to 2, found voluntary the murder confession of a Utah woman and upheld her conviction. (No. 158.)

Held, 6 to 3, that anti-union propaganda by an employe who forbade pro-union solicitation by employes on company premises did not as such —without other circumstances indicating unfairness—constitute an unfair labor practice. (Nos. 81, 289.)

Held, 5 to 4, that a single narcotics transaction constituting several crimes might be punished by multiple consecutive sentences. (No. 668.)

Held, 6 to 3, that a state that prohibited the execution of criminals who were insane might rest unreviewable discretion in the prison warden to determine prisoners' sanity. (Nos. 561-2.)

Ruled unanimously that the Federal Trade Commission was barred by Federal law from regulating insurance advertising in states that had their own statutes covering the matter. (Nos. 435-6).

Dismissed an appeal from a California ruling that dissident members of the American Federation of Musicians had obtained proper service of process upon the A. F. M. and large record companies in a suit against them. (Nos. 756,756,759.)

Refused to review the contention that the Pennsylvania courts' substitution of private for public trustees of Girard College, an orphans' school, was an unconstitutional state action designed to continue racial discrimination at the school. (No. 947.)

Agreed to consider cases challenging multiple sentences for single criminal acts. (Nos. 591,77 misc., 290 misc., 639 misc.)

Agreed to consider the lawfulness of a search and seizure underlying a Federal conviction. (No. 411 misc.)

Refused to grant a third review of the tax evasion conviction of Frank Costello, New York gamler. (No. 1047.)

Refused to review a lower court decision that the United States could not be sued for injuries to a naval officer's son on Kwajalein because the applicable law did not cover injuries in a "foreign country." (No. 1023.)

Recessed until Oct. 6.

12d 1958 SUPREME COURT

GIRARD COLLEGE BAN
ON NEGROES STANDS

Washington, June 30 (AP)
The Supreme Court refused today to review an arrangement whereby Girard College in Philadelphia has continued as a school for white orphans only.

The high court ruled in 1954 that the school violated the Constitution in barring Negroes because the institution was governed by public trustees. To get around this private trustees were named.

Stephen Girard, colonial merchant prince, specified that the school was to be for white boys only in providing for the institution in his 1830 will.

Attorneys began legal proceedings in 1954 to compel admission of two Negroes.

REVIEW ALSO DENIED

After the 1954 Supreme Court ruling the Philadelphia Orphans Court appointed thirteen private trustees to administer the will. The orphans Court action was affirmed by the Pennsylvania Supreme Court last Jan.24, causing attorneys for the Negroes to appeal again to the highest tribunal. Counsel for the city and state joined in the appeal.

Today's Supreme Court action was in a s ort order that said that a motion by the new trustees to dismiss the appeal had been granted. Furthermore, the court said it was also denying a petition for review.

The effect is to let stand the n w arran ement whereby the school may adhere to the wishes of Stephen Girard that the school be operated for white orphans only.

CITY MAY APPEAL AGAIN.

Philadelphia, Pa. June 30-City Solicitor David Berger said today that Philadelphia might ask the Supreme Court to rehear the case/

Girard College was opened in 1848 and now has about 1,100 pupils. Stephen Girard died in 1831, leaving a gift of about $2,000,000. The fund has grown since then to approximately $100,000,000.

Times. p.c 19
Tues. 7-1-58
New York, N.Y.

12d 1958

SUPREME COURT LAW DAY

Gainesville Daily Times

Supreme Court Will Uphold The Law, Come What May

The nation observed "Law Day" recently, recognizing the effect of our law on our lives and law as the basic rule of our government and, indeed, our civilization. While paying homage to the rule of law, some of our lawmakers and many interested citizens continued to push plans to limit the jurisdiction of the Supreme Court in two or three precedent shattering items of legislation. Apparently they saw no inconsistency in their attitude.

Today's constitutional debate, spurred by men known not as conservatives, but as "constitutional radicals," concerns the high court's role as one of the three great branches of our government. Opponents of the court maintain it has meddled in legislative affairs. While there is some justification for that attitude, we must remember that the Supreme Court's duty is to interpret the Constitution and to see that it performs its obligation of protecting the rights of individuals above all other rights.

Unpopular Supreme Court decisions are nothing new. But stacking the court, as President Roosevelt tried to do, or writing laws around it, as the "radicals" would choose to do now, endangers the court.

The law is a continuing rule and is the instrument that protects not only our persons but our system of government and way of life over the long haul. Attempts to alter the rule of law to fit circumstances for this week and this hour may be expected. The test of the value of the law and the guide of its meaning to us is that it withstands short-run onslaughts. If we altered the law with each passing passion, we would have no law and no order. Neither would we have protection from anarchy.

There is little enough in life as it is that can withstand sudden whim. Though God is eternal, even religion is subjected to the buffeting of extemporaneous interpretation. Sudden anger or sudden revelation, call it what you will, turns into splinter ideologies and new congregations.

In the law, however, we have Western civilization's basic reference points. From its beginning in early momotheism to Runnymede and the Constitutional Congress it has been built upon and expanded.

Trying to short-circuit the establishment of the law by building fences around sections of the Supreme Court's authority is as dangerous as packing the court with pre-disposed judges. We don't think it can be done.

PASSPORT
PAUL ROBESON

Decision affects Robeson, Worthy

IN A NUTSHELL

- Secretary of State overstepped boundaries in the Robeson and related cases.
- A person's politics has nothing to do with his right to travel, the court says.
- If they are Communists, only Congress can regulate their travel and the law to do so is not yet effective. But none has admitted nor proven Communists.

By LOUIS LAUTIER

WASHINGTON, D.C. (NNPA) —The Supreme Court Monday apparently paved the way for Paul Robeson to obtain a passport for travel in European countries to fill concert and speaking engagements.

In two cases the court ruled that the Secretary of State has not been given authority by the Congress to withhold passports of citizens because of their beliefs or associations.

The court reversed the United States Court of Appeals for the District of Columbia in the cases of Rockwell Kent and Walter Briehl, the facts in both of which parallel those in the Robeson case.

* * *

KENT DESIRED to visit England and attend a meeting of the "World Council of Peace" in Helsinki, Finland.

The director of the passport office informed Kent that issuance of a passport was precluded on the ground that he was a Communist and that he had had "a consistent and prolonged adherence to the Communist party line."

Kent, like Robeson, declined to sign an affidavit concerning Communist party membership. His position, also similar to that of Robeson's, was that the requirement of such an affidavit "is unlawful" and that "as a matter of conscience," he would not supply one.

At a State Department hearing, Briehl contended that his "political affiliations" were irrelevant to his right to a passport, that "every American citizen has the right to travel regardless of politics," and that the burden was on the department to prove illegal activities by him.

Because of his refusal to supply the affidavit, the Board of Passport Appeals advised him that it could not, under State Department regulations, entertain an appeal.

Briehl filed his complaint in the District Court here which held that his case was indistinguishable from Kent's and dismissed the complaint.

The full nine-member Court of Appeals heard the two cases and affirmed the District Court by a split vote. The Supreme Court granted a review.

Some language in the majority opinion, delivered by Justice William O. Douglas, appears to apply to the case of William Worthy, AFRO-AMERICAN correspondent, whose passport the State Department refused to renew because he entered Communist China despite a State Department ban on such travel and would not promise to respect State Department restriction on travel if he were given another passport.

"TRAVEL ABROAD, like travel within the country, may be necessary for a livelihood," Justice Douglas said.

Both Robeson and Worthy contended that denial of a passport interfered with their earning a livelihood.

"The court, however, declined to decide the extent to which freedom to travel can be curtailed.

The cases were decided by a divided court, 5 to 4. Justices Tom Clark, Harold H. Burton, John Marshall Harlan and Charles E. Whittaker dissented.

The majority opinion pointed out that the cases of refusal of passports generally fell into two categories—citizenship or allegiance on the one hand or to criminal or unlawful conduct on the other—but the grounds for refusal in the Kent and Briehl cases related to neither.

THE COURT said the "crucial function" of the passport today "is control over exit." It added that, "the right of exit is a personal right included within the word 'liberty' as used in the Fifth Amendment. If that 'liberty' is to be regulated," it must be done by the Congress.

Brushing aside the constitutional questions, the court concluded that Congress has not delegated to the Secretary of State the kind of authority he exercised in the Kent and Briehl cases.

"We must remember that we are dealing here with citizens who have neither been accused of crimes nor found guilty," Justice Douglas wrote. "They are being denied their freedom of movement solely because of their refusal to be subjected to inquiry into their beliefs and associations.

"They do not seek to escape the law nor to violate it. They may or may not be Communists. But assuming they are, the only law which Congress has passed expressly curtailing the movement of Communists across our borders has not yet become effective."

12d 1958 SUPREME COURT PASSPORT
WILLIAM WORTHY

Worthy Renewing Passport Plea After Supreme Court Decision

Legal motion filed in capital

WASHINGTON

A 5-4 United States Supreme Court decision that the State Department is without legal authority to deny passports to citizens because of their beliefs or associations was immediately followed Monday by a decision to file a motion in U.S District Court for summary judgement in the suit of William Worthy, AFRO-AMERICAN correspondent, against Secretary of State Dulles and the Department.

The decision, which deals a major blow to State Department policy in the issuance of passports, was read by Justice Douglas. Concurring were Chief Justice Warren and Justices Black, Frankfurter and Brennan. Dissenting were Justices Clark, Burton, Harlan and Whittaker.

AFFECTED IN addition to Mr. Worthy, whose passport was revoked when he defied a State Department travel ban to enter Red China along with two other newsmen in 1956, is Paul Robeson, internationally-famous actor, and singer.

Mr. Robeson had been denied a passport to travel abroad because he refused to answer State Department questions as to his political beliefs and membership in the Communist party.

Mr. Robeson told the AFRO that he was not a Communist.

* * *

MONDAY'S Supreme Court ruling was handed down in the cases of Rockwell Kent, 76-year-old artist, Dr. Walter Briehl, Los Angeles psychiatrist, and Weldon Bruce Dayton, a cosmic ray physicist.

Dayton had sworn that he was not a Communist, but the State Department denied him a passport on the basis of confidential information that he planned to go abroad to engage in activities which would advance the Communist cause.

The majority ruling on the case declared that: ". . . . we will not readily infer that Congress gave the Secretary of State unbridled discretion" to withhold passports.

"We must," the ruling continued, "remember that we are dealing here with citizens who have neither been accused of crimes or found guilty. They are being denied their freedom of movement solely because of their refusal to be subjected to inquiry into their beliefs and associations.

"They do not seek to escape the law nor to violate it."

12d 1958

SUPREME COURT TRANSPORTATION

NEW ORLEANS BIAS ON BUSES BARRED

James

U.S. Judge Rejects City Plea for Delay After Receipt of High Court Ruling

P. 21 C

NEW ORLEANS, May 30 (UPI)—A Federal judge ordered New Orleans today to remove racial barriers on buses and street cars effective tonight.

Judge J. Skelly Wright turned down a plea by city and transit officials to delay putting into effect a previous anti-segregation ruling he made a year and a half ago.

The judge's order came shortly after the arrival at his court of the official transcript of a United States Supreme Court decision handed down last Monday. It upheld his previous order to integrate the city's transit system.

George S. Dinwiddie, president of the New Orleans Public Service Company, said, "The company's operations will be changed to conform" to the latest order.

Mayor De Lesseps Morrison said the city would go along with the transit company's plan to remove racial barriers on its lines.

On Monday, city officials and representatives of the New Orleans Public Service, Inc., operators of the transit system, said they would have to wait for the official notice of the Supreme Court ruling before taking action.

The high court's ruling stemmed from a suit filed a year and a half ago by two Negroes.

The plaintiffs won every round in lengthy court battles, during which city, Louisiana and transit official tried to block the moves against the South's traditional separation of the races in public transit.

The Supreme Court's action upheld, without comment, a ruling by Judge Wright on May 15, 1957, that state segregation laws governing city transportation were unconstitutional.

12d 1958

Top Court Denies Short-Cut Ruling On Little Rock

WASHINGTON (AP)—The Supreme Court refused Monday to short-cut usual procedures and rule directly and promptly on an appeal from an order suspending desegregation in Little Rock.

But in so doing, the court said it was sure the U. S. Court of Appeals in St. Louis would act on the appeal "in ample time to permit arrangements to be made for the next school year."

NAACP still faces legal battle in Alabama, Page 15.

In another unanimous action Monday, the Court struck down a $100,000 fine levied against the National Assn. for the Advancement of Colored People by an Alabama judge.

REFUSED ROSTER

Circuit Judge Walter B. Jones imposed the fine in Montgomery June 1, 1956, on the ground the NAACP was in contempt of court for failing to comply with an order for production of a list of its members. The judge also barred the NAACP from doing business in Alabama.

Speaking for the Court, Judge Harlan said the order for production of the membership list "must be regarded as entailing a substantial restraint upon the exercise by petitioner's (NAACP) members of their right to freedom of association."

CITES LOWER COURT

Noting that the Little Rock desegregation case has been before the Court of Appeals in St. Louis in one form or another three different times, the Supreme Court said:

"That Court is the regular court for reviewing the orders of district court here concerned, and the appeal and the petition for a stay are matters properly to be adjudicated by it in the first instance.

"We have no doubt that the Court of Appeals will recognize the vital importance of the time element in this litigation, and that it will act upon the application for a stay of the appeal in ample time to permit arrangements to be made for the next school year."

The order suspending desegration in Little Rock for 2½ years—until January 1961—was issued June 21 by U. S. District Judge Harry J. Lemley.

Two days later, the judge turned down a plea by attorneys representing Negroes to stay effectiveness of his order pending the outcome of an appeal.

Under the integration plan now suspended, nine Negroes attended Little Rock's Central High School the past school year under protection of federal troops sent there by President Eisenhower.

Lemley said he granted the suspension of desegregation "in the public interest, including the interest of both Negro and white students."

Lemley's ruling received wide acclaim from southern opponents of desegregation.

Attorneys for the Negroes involved called it "an invitation to violence and to substituting a government of mob rule for one of laws."

The attorneys filed an appeal in the U. S. Court of Appeals, then asked the Supreme Court to bypass the lower court, hold a special term, and hand down a quick decision.

In a brief unsigned opinion Monday, the Supreme Court said its power to bypass an appellate court and rule directly on an appeal "has been exercised but rarely, and the isues and circumstances relevant to the present petition do not warrant its exercise now."

Among other actions Monday, the Court:

SUPREME COURT

Upheld firing of a Philadelphia teacher who refused to answer a question about Communist party associations.

Barred enforcement of a California law requiring non-Communist oaths to obtain tax exemptions.

Denied New York gambler Frank Costello a review of his 1954 income tax evasion conviction.

Refused to review an arrangement under which Girard College of Philadelphia has continued as a school for white orphans only. Stephen Girard, Colonial merchant prince who provided for the school in his 1830 will, specified the school was to be for white boys only.

Supreme Court Ruling Proper on Little Rock

The United States Supreme Court, sitting yesterday in the last day of the spring session, refused to act ahead of the St. Louis District Court in the Little Rock school case. A delay of 2½ years had been granted the school board in that city in desegregating schools.

This Supreme Court decision was proper. To have acted otherwise would have meant going outside the established order of court custom. It would have been, too, an inference of haste and a by-pass of the district court to which appeal had been made.

The Supreme Court did call the district court's attention to the need for decision well ahead of the September term of school. If the district court should uphold the Little Rock court there can then be direct appeal to the Supreme Court. If it reverses it, then no appeal will be needed.

It would be most unwise if this decision of Monday should be taken as in any way indicating a retreat by the nation's top court. It was not. Here in the South the great majority prefers to hear something other than the truth. The truth is that while from the beginning the court emphasized "deliberate speed" the states eventually will be faced with closing their public schools or making a start at carrying out the court's orders.

Sooner or later this climax must be faced. For leaders to deceive the people for their own political gain is not a public service. This is not at all a discussion of being "for" or "against" the court decision. That is not relevant to the facts.

EDUCATION
LITTLE ROCK, ARK.

As the conservative Wall Street Journal said recently:

"This (decision) demands patience from those in a hurry and forebearance from those reluctant to see any change. The extremists have neither quality. The NAACP is already attacking the breathing spell; white extremists in Arkansas are already proclaiming it as a victory for unyielding segregation.

"If these two are to be the dominant voices in Little Rock, or in the South, then a year from now, two years from now, all will be as intolerable as before and the tragedy will repeat itself endlessly. And their voices will be dominant unless others of both races are willing to raise their own.

"The South, white and Negro, deserves time to deal with its own problem. But time, too, is useless if men put it to no purpose."

This is truth and the last paragraph is the significant one.

Tribunal Extends Ban at Little Rock

ST. LOUIS, Oct. 6 (AP)—A federal court extended the order today that prevents a Little Rock corporation from leasing the city's high schools and operating them as private, segregated institutions.

It scheduled the next hearing on the case for Oct. 15 in St. Louis.

Legally, this freezes the situation in Little Rock. The schools remain closed and beyond the reach of the Little Rock Private School Corp.

Space Being Sought

But Dr. T. J. Raney, corporation president, said his group will open private schools as soon as possible, without waiting for the Oct. 15 decision. The corporation is looking for classroom space, teachers and money.

"We will open as soon as we get things rolling," Raney said.

Raney said he did not know whether the schools can be opened this week or next.

Three judges of the U.S. 8th Circuit Court of Appeals heard attorneys representing the federal government, the Little Rock school board and the National Assn. for the Advancement of Colored People today.

Hour-Long Hearing

The pleadings lasted exactly one hour.

They concerned an NAACP request for a preliminary injunction to freeze the situation in Little Rock, pending action on an appeal from an earlier ruling in the case.

Two weeks ago, the NAACP challenged the constitutionality of the Arkansas law authorizing private corporations to lease the buildings and facilities of the public schools and to use state funds for their support.

Judge Refuses Case

Federal District Judge John E. Miller declined to accept jurisdiction. He said the appeals court would have to take the case. The NAACP appealed Miller's ruling and got a temporary restraining order.

The order of the three judges today said in part:

"As the simplest and most effective way of continuing the necessary protection to appellants until the hearing of the case on its merits, said temporary order is hereby renewed and extended to and including Oct. 15, in all its terms and prohibitions" and applies to "appellees, their officers, agents, servants, employees and attorneys, and all persons in active concert or participation with them."

12d 1958

SUPREME COURT

EDUCATION - LITTLE ROCK, ARK
REFUSED TO REVIEW AN APPELLATE COURT DECISION FORBIDDING ARK., GOV. FAUBUS FROM USING NATIONAL GUARD TROOPS TO KEEP NEGROES OUT OF CENTRAL HIGH SCHOOL

Court Refuses Faubus Request

Won't Review Decision Denying Use Of Troops

OPENS 1958-59 TERM

By The Commercial Appeal
Washington Bureau

WASHINGTON, Oct. 13.—The Supreme Court Monday refused to review an Appellate Court decision forbidding Arkansas Gov. Orval Faubus from using National Guard troops to keep Negroes out of Little Rock's Central High School.

The Governor had asked the court to review an April ruling by the Eighth United States Circuit Court of Appeals which upheld a 1957 District Court injunction against the Governor and his National Guard commanders.

The Supreme Court action, conveyed in a terse order denying certiorari, left Governor Faubus enjoined against using National Guardsmen to interfere with integration.

Same Case Rejected

Opening its regular 1958-59 term, the Supreme Court agreed to review a number of cases and rejected others.

It refused to reconsider its action of last June 30 which authorized Girard College in Philadelphia, Penn., to remain a segregated school for white boys only.

The court rejected the pleas of two Negro youths who have been trying to enter the school since 1954.

The court ruled in 1957 that Negroes must be admitted to Girard, even though it is privately financed, because the board that administered the school was a state agency and could not discriminate.

City and state officials then resigned from the board and turned over the school to private trustees. The Negro applicants appealed this action but their appeal was rejected by the court last June. It was a petition for a re-hearing of this appeal that the court rejected Monday.

The college was founded and endowed by Stephen Girard, one of America's early millionaires, who stipuated in his will that it was to be for "poor, white, male orphan children."

In other actions on segregation cases Monday, the court:

1. Agreed to hear oral arguments and to consider the validity of three of Virginia's 1956 laws directed at the National Association for the Advancement of Colored People. They were held unconstitutional last April by a three-judge Federal Court in Richmond. Two of the laws require registration, financial statements, and disclosure of members and contributors. The third prohibits stirring up lawsuits by persons with no direct, personal interest.

Louisiana Involved

2. Refused to review a Fifth United States Circuit Court of Appeals decision which upheld a District Court ruling that two 1956 Louisiana laws are unconstitutional. One law required applicants to state-supported colleges to present certificates of good moral character signed by their high school principal and the superintendent of schools. The other provided that any school official who signed such a certificate for a Negro would lose his job.

3. Denied a hearing to the Deleware State Board of Education which had sought to delay integration in Kent and Sussex counties. The action means the board is directed to go ahead with integration plans in these counties.

Bill of Rights Is Trampled on by the Very Men Who Take a Great Pride in Calling Themselves Liberals

By David Lawrence

WASHINGTON — Only 22 years ago the Supreme Court of the United States, in a unanimous opinion, ruled that governmental authority in America must never be used under the guise of the taxing power to penalize publications of large circulation as against those of smaller circulation. To do this was held to be a violation of the first amendment to the Constitution, which forbids the enactment of any law that abridges the freedom of the press.

Yet last week in the United States Senate, 28 Democrats and five Republicans voted to do that very thing when they demanded higher postal rates be imposed on publications of larger circulation than on publications of smaller circulation. Fortunately, 39 Republicans and 18 Democrats combined to defeat the attempt. But there still remains a provision of the same kind in the bill originally passed by the House of Representatives and which soon will be considered by a conference committee of both houses.

This correspondent remembers well the 1936 decision of the Supreme Court because it was a big news story at the time. The State of Louisiana, under the pressure of its governor, the late Huey Long, had enacted as a reprisal against the larger newspapers of the state a law dividing all newspapers into two classes—those with less than and those with more than 20,000 circulation. A special tax of two per cent was levied on the gross receipts on all advertisements published in the newspapers of larger circulation, but this was not applied to the newspapers of smaller circulation.

The Supreme Court of the United States said the effect of the tax would be "to curtail the amount of revenue realized from advertising" and would involve "a direct tendency to restrict circulation" and then added: "It might well result in destroying both advertising and circulation."

What is most interesting to note about this form of censorship is that it has been tried many times before, in fact as early as 1712 when the British Parliament imposed a special tax on all newspapers and upon advertisements. Justice Sutherland, who wrote the Supreme Court's opinion in 1936, reviewed the history of such laws in England and said that these taxes constituted one of the factors that aroused the American colonists to protest, and that the American Revolution "really began when, in 1765, the British Government sent stamps for newspaper duties to the American colonies."

Justice Sutherland referred to such imposts as "taxes on knowledge." Speaking of the Louisiana law's attempt to classify newspapers by circulation and to put a special tax on advertising, the Supreme Court opinion says:

"It is seen to be a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled by virtue of the Constitutional guaranties. A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves."

Senator Mike Monroney of Oklahoma, Democrat, said bluntly to the Senate last week that the imposition of higher postal rates on large-circulation magazines than on smaller ones "would penalize a magazine because it had a large circulation." He added:

"If a publishing firm is able to build up a circulation of one of its own magazines to 3,000,000 or 5,000,000 copies, should we penalize it because the public wants to buy the magazine? . . . I do not believe Congress should legislate in that way."

Publishing companies of all kinds, of course, must pay the same general taxes as any other profit-making enterprises. There is no doubt that the Post Office Department needs more money, and certainly the newspapers and magazines should pay the increased costs for transportation of their issues in the mails when it is conclusively ascertained by an impartial commission of accountants, authorized by Congress, just what such costs actually involve. But discrimination in postal rates as between publications of the same kind is a violation of the Constitution not only because it deprives them of equal protection of the laws under the Fifth Amendment, but because it is also an infringement on the first amendment.

The weight per copy—and not the total circulation—says Senator Monroney is the only sound way to measure the rates that should be paid for postage by publishers.

It is significant that in the debate last week there were various references made by senators to the editorial views held by publications which they dislike, and the inference was left that some senators were voting in reprisal against certain publications of larger circulation of whose content they disapprove for political reasons. Thus is the Bill of Rights trampled upon by some of the very men who take pride in calling themselves "liberals."

BILL CALLED PERIL TO SUPREME COURT

Editorial Writer, Hailed by Liberties Union, Warns of Proposal by Jenner

A warning of attempts to "cripple" the Supreme Court and to "erect spite walls" around it was sounded yesterday at the annual conference of the New York Civil Liberties Union.

The warning was given by Irving Dilliard, editorial writer of The St. Louis Post-Dispatch, after he had received the Florina Lasker Civil Liberties Award of $1,000 for outstanding work in the field of civil liberties.

Mr. Dilliard told the conference's luncheon session that Senate Bill 2646, submitted by Senator William E. Jenner, Republican of Indiana, was intended to "cripple the Supreme Court" because of recent rulings favoring civil liberties.

Speaking at the Roosevelt Hotel, Mr. Dilliard declared that the Jenner bill "would have Congress vindictively retaliate against the Supreme Court for some eight civil liberties decisions."

He said that the proposed legislation would bar the court "from appellate jurisdiction in five important fields, such as Congressional investigations and Government employment in loyalty investigations."

Court Make-Up Hailed

He said the bill also would "block the Supreme Court out in cases involving teachers and lawyers caught in the same net." Mr. Dilliard continued:

"The proponents of the Jenner bill and the many other pending attacks on the Supreme Court would have the American people believe that our high bench today is packed with irresponsible jurists of one reckless mind. Actually the nine jurists who make up our Supreme Court now are probably more representative than the members of any previous Supreme Court bench."

A panel discussion on "Wiretapping and Eavesdropping" followed the luncheon session. Stanley J. Tracy, Washington lawyer and former assistant director of the Federal Bureau of Investigation, said:

"Uncontrolled wiretapping and eavesdropping constitute a substantial threat to individual liberty, but properly restricted, these activities are essential, if not indispensable, to both national and individual security."

Edward Bennett Williams, Professor of Law at Georgetown University and also a Washington lawyer, said that although Congress had made it a crime to tap telephones or to use information obtained from taps, "the Federal Bureau of Investigation has been and is continuously engaged in this illicit act, and it has gone and is going unchallenged."

COMMITTEE IS URGED TO HELP INTEGRATION

Would Aid In Compliance With Court Order

PROPOSED IN HAYS BILL

By MORRIS CUNNINGHAM

From The Commercial Appeal Washington Bureau

WASHINGTON, March 6. — Representative Brooks Hays (D., Ark.) introduced a bill Thursday for a joint congressional committee to recommend "various ways of complying" with the Supreme Court's school integration edict.

The committee would be composed of seven senators appointed by Vice President Richard M. Nixon, and seven representatives appointed by House Speaker Sam Rayburn (D., Texas).

It would make a year's study of school desegregation problems and then would recommend "policies and courses of action" which would "afford the greatest hope" of achieving school integration.

Copy To Adams

The Little Rock Democrat, an unsuccessful mediator of the Little Rock school integration impasse, said he'd presented copies of his bill to his friend, Sherman Adams, President Eisenhower's top aide, and to Arkansas Gov. Orval Faubus.

He said he didn't discuss it with Mr. Adams, but he quoted Governor Faubus as saying he "thought it would do some good."

Without naming any, Mr. Hays expressed the opinion there are "some communities in the South that are ready to comply" with the Supreme Court decision if a reasonable political climate can be created.

He deplored "the present political exploitation of these problems in the South" and the resultant fanning of racial differences.

Questioned at a news conference, which he called to explain his bill, he said a "cooling off period" would create a climate that would lead to greater compliance.

More Time Needed

"I don't like the idea of defiance," he said, and added: "We've got to have more time."

A prepared statement, which he distributed, said, in part:

"The committee would be called upon to suggest to all school districts various alternative ways of complying with the order to desegregate that would do least violence to local customs and attitudes. The Jeffersonian principle of considering local variations in conditions should be embraced in the national policy and this is one way to bring that about.

"While this study is proceeding, the states might well attempt to adjust their statutes to meet the minimum requirements for compliance with the desegregation edict. In any event, it will provide time for checking the constitutionality of interposition laws and other state legislation that appears to be in conflict with Federal rulings."

Won't Discuss Troops

While deploring the use of force, Mr. Hays declined to discuss the use of troops at Little Rock.

As for his chances for re-election in the Little Rock district this year, he said, "I think they're pretty good."

"I think if I've lost any ground," he added, "I've regained it."

Other Southerners are expected to oppose Mr. Hays' bill, if for no other reason, because if it reached the House or Senate floor it would be subject to amendment and could stir another great controversy.

The Administration has said it will not sponsor any civil rights legislation this year.

Hays Wants Hill to Study Integration

Rep. Brooks Hays (D-Ark.) introduced a bill yesterday to create a joint congressional committee to study the effects of the Supreme Court's decision outlawing enforced school segregation.

Hays' idea is that the 14-member committee could make an "unemotional" study of the experiences and problems communities have faced in trying to live with or in fighting the Court's decision.

Hays said he hoped the study could help some communities profit from the experience of others and show the courts the need for "more time" in parts of the South. "I would hope this would give a breather, an unofficial signal to the courts to go slow," said Hays. "I do not advocate defiance, but we have got to have more time."

Hays' district includes Little Rock, where violence flared at an integrated high school last September.

HIGH COURT CURB GETS TEST TODAY

Jenner Bill to Restrict Area of Appeal Goes to Senate Judiciary Committee

By ANTHONY LEWIS
Special to The New York Times.

WASHINGTON, March 9 — The first serious Congressional effort in a generation to cut down the power of the Supreme Court may come to a test tomorrow.

A bill introduced by Senator William E. Jenner, Republican of Indiana, is scheduled to come before the Senate Judiciary Committee. What the committee does—indeed, whether it acts at all—could be a clue to the depth of Congressional antagonism toward the court.

The Jenner bill would forbid Supreme Court review of broad categories of cases, each one an area in which the court has handed down recent controversial decisions.

One of the areas is Congressional investigations. The inclusion is presumably a reaction to the Watkins case, in which the court said that before compelling a witness to answer, a Congressional committee must demonstrate the pertinence of its questions to a valid legislative purpose.

Another is the field of Federal employe security regulations. The court held, in Cole v. Young, that a statute allowing dismissal of Government workers on security grounds applied only to sensitive jobs.

States' Subversive Laws

Laws and school board regulations against subversion would also be excluded. In the case of Steve Nelson, a Pennsylvania Communist, the court found that Congress had pre-empted the right to punish subversive activity against the United States excluding similar state laws.

Another exclusion would be state regulations for admission to the bar. In two cases last year the court found that exclusion of lawyers from the bar on charges of past or present subversive activity violated the Fourteenth Amendment.

The effect of the Jenner bill would be to leave the interpretation of the Federal Constitution and laws in these areas to the lower courts. The forty-eight highest state courts and the eleven Federal Courts of Appeals would be the final judicial voices.

The Judiciary Committee's Subcommittee on Internal Security, of which Senator Jenner is a member, reported his bill favorably at the last session of Congress after one day of hearings. The only witnesses were Senator Jenner and a subcommittee staff member, Benjamin Mandel.

Vote Reported Close

When the bill came up in the full Judiciary Committee last month, a motion to send it back to the subcommittee for further hearings carried by an unreported but apparently close vote. The subcommittee was instructed to report back March 10, tomorrow.

Since then several days of hearings have been held—and even more significant expressions of views have come outside the hearings.

Two weeks ago the American Bar Association, meeting in Atlanta, voted overwhelmingly to oppose the Jenner proposal. Among those so voting were Southerners and others who were bitterly critical of particular decisions but objected to any broad "raid" on the institution of the court.

Last week Attorney General William P. Rogers volunteered opposition. In a letter to the Judiciary Committee he said the Jenner bill "threatens the independence of the judiciary."

Rogers Lists Objections

"The natural consequences of such an enactment," Mr. Rogers said, "is that the courts would operate under the constant apprehension that if they rendered unpopular decisions jurisdiction would be further curtailed."

He also noted that removal of Supreme Court review power in certain types of cases might make "the law differ in various parts of the country" and the rights "of individuals vary according to their addresses."

Among the witnesses favoring the bill in the committee hearings were Clarence Manion, former dean of Notre Dame Law School; Senator Strom Thurmond, Democrat of South Carolina; William Old, a circuit judge in Chesterfield County, Va., and Mrs. Helen Lane, a school board member in near-by Arlington County, Va.

Senator Thurmond accused the Supreme Court of "unconstitutional seizure of power." And he said the court had moved "perhaps unconsciously, to set itself up as the guardian of subversive elements."

"The choice we face in this country today is judicial limitation or judicial tyranny," he declared.

Lawyers Oppose Bill

A number of eminent lawyers wrote the committee letters opposing the Jenner bill. Among them were John Lord O'Brian of Washington, Arthur H. Dean and Whitney North Seymour of New York and Dean Erwin N. Griswold of the Harvard Law School.

Mr. O'Brian wrote that the Jenner bill "rests upon the assumption that the American people are so lacking in intelligence and faith in our democratic system as to require for their protection governmental security measures that cannot withstand traditional constitutional scrutiny by the highest court of the land."

He, as well as the Attorney General, compare the Jenner proposal with the "court-packing" plan of 1937. This was the move by President Franklin D. Roosevelt, at a time when he was dissatisfied with the Supreme Court's decisions, to add additional justices.

Constitutionality Doubted

Several witnesses also questioned the constitutionality of the Jenner bill.

The Constitution gives the Supreme Court appellate jurisdiction "with such exceptions and under such regulations as the Congress shall make." In 1869 the Supreme Court upheld the power of Congress, under that clause, to remove from its jurisdiction a narrow class of cases.

Nevertheless, there are some authorities who believe that a wholesale attempt by Congress to deprive the court of jurisdiction would so violate the separation of powers implicit in the Constitution that the bill would be invalid.

The best guess is that the opposition of such groups as the bar association means the Jenner bill cannot pass. But Senator Jenner and a number of Southern colleagues, angered by the Supreme Court's school segregation decision, are pressing to win approval at least in the Judiciary Committee.

Two stiff uppercuts do the job

IN A NUTSHELL

- **Fourth and Fifth Circuit Courts of Appeal knock down school and park segregation in Virginia and Louisiana.**
- **New Orleans and Arlington, Va., schools must accept all pupils without regard to race.**
- **All Louisiana State schools of higher learning must no longer bar colored students.**

RICHMOND

Still groggy from previous blows, old man Segregation was backed into a corner of the civil rights ring last week as he tried to duck uppercuts from Federal Circuit Courts in two states—Virginia and Louisiana.

The hail of legal blows—coming on the same day, Wednesday, Feb. 12—came from the U.S. Fifth Circuit Court of Appeals in New Orleans and the Fourth Circuit Court of Appeals in Richmond. Both peppered the heads of state and city officials trying to keep segregation.

In New Orleans, the court, in separate decisions:

1. For the second time upheld the decision of a District Court ordering New Orleans to integrate its public schools.

* * *

2. **TURNED DOWN** the appeal of Louisiana State University and the state board of education which sought to bar colored students from entering LSU, Southeastern, Southwestern and McNeese State Colleges as undergraduate students.

3. Expressed complete agreement with a District Court decision that forbids the New Orleans Park Improvement Association to prevent colored citizens from integrated use of park facilities.

In the New Orleans public school decision, the court refused to nullify the injunction issued by District Judge Skelly Wright who had ordered Orleans Parish (County) to desegregate its schools "with all deliberate speed," but set no date.

* * *

PLAINTIFFS in that case were Earl B. Bush and others.

The decision against LSU supervisors and the state board of education affected separate District Court cases that had been grouped for appeal purposes.

Miss Arnesse Ludley and others brought the suit against LSU and Miss Alma Lark, Jack Bailey and others sued the education board.

The city park case involved Mandeville Detiege, who sued on behalf of himself and all other colored persons similarly deprived of the use of the city's parks.

In Virginia, Arlington County and state officials were staggered by the Fourth Circuit Court's decision ordering the county to admit seven colored pupils to schools formerly attended only by white children.

SINCE THE APPEALS Court now has fixed matters so that the only remaining course open to Virginia is an appeal to the U.S. Supreme Court, a final showdown in the state appeals imminent within the next 120 days.

request a 30-day stay of the order to take an appeal and the case would reach the Supremee Court before the summer recess, with a possibile ruling coming in time for the September school term.

Chances of a favorable ruling for Virginia before the Supreme Court appear remote, since that tribunal has already, on numerous occasions in the past, declared public school segregation unconstitutional.

* * *

IN ORDERING the seven colored children admitted to four formerly all-white schools in Arlington County, the appeals court upheld a Sept. 11 decision of District Judge Albert V. Bryan.

That decision dealt the state's "massive resistance" program a severely crippling blow.

While James H. Simmonds, attorney for the Arlington School board, hinted an appeal would be taken, State Attorney General A. S. Harrison Jr. immediately went into a huddle with Gov. L. Lindsay Almond.

* * *

IN CONFIRMING the ruling of Judge Bryan, the appeals court said it felt Judge Bryan "took the milder course" by directing admission of the pupils rather than holding school board members in contempt of court for failure to carry out his order.

The appeals court added:

"We think that the order (Judge Bryan's) was clearly proper for reasons adequately stated in the opinion of the district judge and nothing needs to be added to what was there said."

Judge Bryan's order, which was stayed pending the outcome of the appeal, now becomes effective unless the state is granted a suspension of the order pending an appeal.